

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,       )  
  )  
                  Plaintiff,        )  
  ) Cause No.  
                  vs.                ) 3:23-cr-30076-SPM-1  
  ) East St. Louis, IL  
NIRAV B. PATEL,                    ) February 6, 2025  
  ) 9:08 a.m.  
                  Defendant.        )

Before the  
HONORABLE JUDGE STEPHEN P. MCGYLNN

**TRANSCRIPT OF JURY TRIAL  
VOLUME 4**

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(Proceedings taken by machine shorthand; transcript  
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1 (In open court.)

2 (Jury present at 9:08 a.m.)

3 THE COURT: All right. So we are still in  
4 the direct examination of Mr. Hoyland.

5 Sir, you are still under oath.

6 **CONOR HOYLAND, GOVERNMENT'S WITNESS,**

7 **PREVIOUSLY SWORN**

8 **CONTINUED DIRECT EXAMINATION**

9 BY MR. REED:

10 Q. Good morning, sir.

11 A. Good morning.

12 Q. Yesterday, I think, we left off with the  
13 attempted interview of Mr. Patel?

14 A. Yes.

15 Q. And at some point that stopped before you asked  
16 any substantive questions?

17 A. That's correct.

18 Q. But Mr. Patel made some voluntary statements?

19 A. He did.

20 Q. What were those?

21 A. He spoke about 5 to \$10,000, he also mentioned  
22 it was his first time, and he said he was not  
23 involved in this.

24 Q. Okay. After you left the interview room, later  
25 that week, what did you do about -- excuse me. Let

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1 me start -- what did you do after seizing  
2 Mr. Patel's phones?

3 A. When they were initially taken from the car,  
4 they were placed in what's called airplane mode.  
5 That's to prevent anybody from remotely wiping them  
6 to preserve the evidence. I then obtained search  
7 warrants for the devices.

8 Q. Did you eventually make an extraction copy of  
9 those two phones?

10 A. Yes, I did.

11 MR. REED: Can we put up Government's  
12 Exhibit 161 for the witness.

13 BY MR. REED:

14 Q. Is this call data you extracted from  
15 Mr. Patel's iPhone?

16 A. Yes, it is.

17 Q. Does it include calls made through the WhatsApp  
18 application?

19 A. Yes, it does.

20 MR. REED: Put up 162, please.

21 BY MR. REED:

22 Q. Is this the Apple Map's data you extracted from  
23 Mr. Patel's phone?

24 A. Yes, it is.

25 MR. REED: Put up 164, please.

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1 BY MR. REED:

2 Q. Is this the call data you extracted from the  
3 other phone, the Android?

4 A. Yes, it is.

5 MR. REED: And 165, please.

6 BY MR. REED:

7 Q. Is this the contacts data you extracted from  
8 the Android phone?

9 A. Yes, it is.

10 Q. All of these documents, to the best of your  
11 knowledge, do they truly and accurately report the  
12 data from the Android and iPhone?

13 A. Yes, they do.

14 MR. REED: I move to admit 161, 162, 164,  
15 165.

16 MS. FRETER: No objection.

17 THE COURT: Admitted without objection.

18 (Government's Exhibit Nos. 161, 162, 164  
19 and 165 received in evidence.)

20 MR. REED: Okay. If we could publish 165  
21 for the jury, page 47.

22 BY MR. REED:

23 Q. Now, this is one of the phones seized in  
24 Edwardsville, not Wisconsin, right?

25 A. That is correct.

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1 Q. But if I direct your attention to Entry 234,  
2 who is the contact in 234?

3 A. Contact name is KTK with a mobile phone number  
4 of (905) 437-10 -- or 0138.

5 Q. During the course of your investigations, did  
6 you contact law enforcement in Wisconsin?

7 A. Yes, I did.

8 Q. Did you read the Wisconsin police report?

9 A. Yes, I did.

10 Q. Did a KKT communicate with Patel about the  
11 pickups up there?

12 A. Yes, he did.

13 Q. Does the phone number here on the other phone  
14 for KTK match the phone number for KKT in the  
15 Wisconsin phone?

16 A. Yes, it does.

17 MR. REED: Go to page 30 of this same  
18 document.

19 BY MR. REED:

20 Q. And just to -- KTK and KKT, same number?

21 A. That's correct.

22 Q. So the same number is in two different phones  
23 under slightly different names?

24 A. That is correct.

25 Q. So on this page, is there an entry for a

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1 Danny?

2 A. Yes, there is.

3 Q. And what's the phone number there?

4 A. 302 -- (302) 407-2090.

5 Q. Same Danny that he was communicating with in  
6 Wisconsin?

7 A. Yes.

8 MR. REED: If we could show Government's  
9 Exhibit 166 for the witness.

10 BY MR. REED:

11 Q. All those extraction reports we just moved into  
12 evidence just now, fair to say they are many, many  
13 pages long because of the amount of information in  
14 Patel's phone?

15 A. Yes.

16 Q. Have you seen the chart that's on the screen  
17 before?

18 A. Yes, I have.

19 Q. Does it accurately summarize call and map  
20 information from those large PDFs we just looked  
21 at?

22 A. Yes, it does.

23 MR. REED: Move to admit Exhibit 166 under  
24 Rule 1006 as a summary to prove content.

25 MS. FRETER: No objection.



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1 THE COURT: 166 is admitted.

2 MR. REED: If we could publish that for  
3 the jury.

4 (Government's Exhibit No. 166 was received  
5 in evidence.)

6 BY MR. REED:

7 Q. All right. What information is in the far left  
8 column here on this sheet?

9 A. That is going to be the call number which  
10 corresponds to the previous summaries that were  
11 shown.

12 Q. And Android and iPhone, those are the two  
13 phones recovered from Mr. Patel?

14 A. That is correct.

15 Q. And the next two columns, what are they going  
16 to contain?

17 A. That is going to be the date and time of the  
18 call.

19 Q. And also the duration?

20 A. And the duration.

21 Q. And the "from" and "to," is self-explanatory;  
22 it is who made the call and who received the  
23 call?

24 A. That is correct.

25 Q. Were some of these calls made through

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1 WhatsApp?

2 A. Yes, they were.

3 Q. So let's start with the very first call here.  
4 What happened?

5 A. That is a call from Nirav Patel to the contact  
6 Danny with a duration of 0 seconds, which would  
7 mean that it did not connect.

8 Q. Okay. This was the day Nirav Patel was  
9 arrested -- or was stopped in Wisconsin; is that  
10 right?

11 A. That is correct.

12 Q. When does Danny reach back out again to Patel  
13 after the stop in Wisconsin?

14 A. March 2, 2023, at 4:53 p.m.

15 Q. So the next several calls are in March?

16 A. That is correct.

17 Q. Who's on those calls in March of 2023?

18 A. That will be Nirav and the contact Danny.

19 MR. REED: If you can zoom back out.

20 BY MR. REED:

21 Q. Okay. Call No. 7, what date does this call  
22 occur?

23 A. It occurred on April 10, 2023, at 7:46 a.m.

24 MR. REED: If we can zoom back up and pop  
25 up all the 4-10 calls.

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1 BY MR. REED:

2 Q. What happened on April 10th?

3 A. That would be the day of the first pickup from  
4 Virginia Bryan's residence on Hollyhock Lane by the  
5 scammers.

6 Q. So after Danny contacts Nirav, is there another  
7 call from another number?

8 A. Yes, there's another call from the contact  
9 "Pickup."

10 Q. Is this how it was entered in Patel's phone?

11 A. Yes, it was.

12 Q. There's no name attached? Just "Pickup"?

13 A. No. He created the contact with the name  
14 "Pickup."

15 Q. And let's see. There are a number of contacts  
16 with "Pickup" throughout the course of the day on  
17 April 10th; is that fair?

18 A. Yes.

19 Q. One, two, three, four, five, six, seven, eight,  
20 nine. They're going back and forth all day long?

21 A. Yes.

22 Q. And the first set of calls -- well, Call 8, 9  
23 and 10, about when do those happen?

24 A. They all occurred between 3 and 3:30 p.m.

25 Q. And then calls 11 through, say, 16, when are

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1 those calls occurring?

2 A. They all occurred between approximately 7:30  
3 and 9:00 p.m.

4 Q. When was -- approximately when did that pickup  
5 occur on April 10th? Was it dark outside?

6 A. It was. I don't recall the exact time.

7 Q. Okay. So a whole bunch of calls that  
8 evening?

9 A. Yes.

10 Q. All right. And then as we move down, Calls 17  
11 and 18, he's still communicating with "Pickup"?

12 A. Yes.

13 Q. And now it's after ten?

14 A. Correct.

15 MR. REED: And then 19, 20 and 21, if we  
16 can look at those as well.

17 BY MR. REED:

18 Q. When are these calls occurring?

19 A. Between 12:00 and 12:30 a.m.

20 Q. Same night --

21 A. Yes.

22 Q. -- just after midnight?

23 Did you find any photos on Patel's phones  
24 that were taken this same date, April 10th?

25 A. Yes, I did.

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1 MR. REED: If we could show Government's  
2 Exhibit 151 for the witness, please. 151, sorry.

3 BY MR. REED:

4 Q. Is this one of those photos?

5 A. Yes, it is.

6 MR. REED: And 152 for the witness.

7 BY MR. REED:

8 Q. Another April 10th photo?

9 A. Yes, it is.

10 Q. 153, 154 and 155, all those photos were taken  
11 on April 10th?

12 A. Yes, they were.

13 MR. REED: Move to admit 151 through  
14 155.

15 MS. FRETER: No objection.

16 THE COURT: Be admitted.

17 (Government's Exhibit Nos. 151 through 155  
18 received in evidence.)

19 BY MR. REED:

20 Q. And then 156 is a video. Was there also a  
21 video taken on April 10th?

22 A. There was.

23 MR. REED: If we could show the witness  
24 157. We can stay in this, 157.

25 BY MR. REED:

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1 Q. What is this?

2 A. That is the metadata associated with the video  
3 in question.

4 Q. And then 158, is this the next day, April  
5 11th?

6 A. Yes.

7 MR. REED: So move to admit 156, the  
8 video; 157, the metadata; and 158, the photo on the  
9 screen.

10 MS. FRETER: No objection.

11 THE COURT: Admitted without objection.

12 (Government's Exhibit Nos. 156 through 158  
13 were received in evidence.)

14 MR. REED: If we could go back to 151 and  
15 publish to the jury.

16 BY MR. REED:

17 Q. What are we looking at here?

18 A. That is a photo of the app -- or a mapping  
19 application on a phone showing directions from  
20 somewhere in northern Illinois, probably Chicago  
21 area, down towards somewhere in the area of  
22 Edwardsville, Illinois.

23 MR. REED: Go to page 2 of this exhibit.

24 BY MR. REED:

25 Q. Is this the metadata for the photo?

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1 A. Yes, it is.

2 Q. When was this screenshot for directions down to  
3 Edwardsville created?

4 A. April 10, 2023, at 3:42 p.m.

5 Q. And what was used to create this photo? What  
6 camera?

7 A. So it's going to be the camera on an Apple  
8 iPhone XR.

9 Q. Is that the kind of iPhone you seized from  
10 Mr. Patel?

11 A. Yes, it is.

12 Q. So in context of those calls earlier, 3:42  
13 p.m., is that soon after Patel starts receiving  
14 calls from "Pickup"?

15 A. Yes, it is.

16 MR. REED: 152 for the jury.

17 BY MR. REED:

18 Q. What are we looking at here?

19 A. This is another photo of a mapping application  
20 showing I-55 southbound, about 1 hour and 23  
21 minutes away from a destination, and showing to get  
22 off in 26 miles at an exit for St. Louis.

23 Q. And 7:36 arrival time?

24 A. That is correct.

25 Q. Look at the metadata for this one. When was

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1 this photo taken?

2 A. This photo was taken on April 10, 2023, at  
3 6:14 p.m.

4 Q. Do you see underneath an entry for "move to  
5 trash"?

6 A. Yes.

7 Q. What does that mean?

8 A. The user deleted that photo on April 12, 2023,  
9 at 11:39 a.m.

10 MR. REED: Exhibit 153 for the jury.

11 BY MR. REED:

12 Q. What does this photo show?

13 A. This photo shows a shoebox that has been taped  
14 shut. It is the same shoebox located -- that was  
15 used by Virginia Bryan in the first scam on April  
16 10th.

17 Q. So when we looked yesterday at Virginia Bryan's  
18 phone, there was a picture taken on April 10th of a  
19 shoebox in her house?

20 A. That is correct.

21 Q. And it appears to match the description of the  
22 box that is pictured here?

23 A. Yes, it does.

24 Q. And this is from Mr. Patel's phone?

25 A. Yes, it is.



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1 Q. Does it appear to be taken in a vehicle?

2 A. Yes.

3 Q. Page 2, when is this photo taken?

4 A. This photo was taken April 10, 2023, at  
5 7:53 p.m.

6 Q. Was this moved to trash as well?

7 A. Yes, it was, on April 12th.

8 MR. REED: 154 for the jury.

9 BY MR. REED:

10 Q. Another picture of the box?

11 A. Yes.

12 Q. Was this photo deleted too?

13 MR. REED: We'll go down to page 2.

14 THE WITNESS: Yes, it was.

15 BY MR. REED:

16 Q. 155, what's this?

17 A. Another photo of the box.

18 Q. Page 2, was this photo deleted?

19 A. Yes, it was.

20 MR. REED: Now 156, which is the video,  
21 Sandra.

22 (The video was played at this time.)

23 BY MR. REED:

24 Q. Just briefly, yesterday we looked at some  
25 photos of the inside of that vehicle --

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1 A. Yes.

2 Q. -- do you recall that?

3 The inside of the vehicle stopped on April  
4 20th.

5 A. That is correct.

6 Q. When you look at this video, does the interior  
7 of the vehicle from the April 10th video appear to  
8 match the vehicle you took pictures of on April  
9 20th?

10 A. Yes, it does.

11 Q. Okay. 157, what is this?

12 A. That is the metadata associated with that  
13 video.

14 Q. When was this video taken?

15 A. April 10, 2023, at 7:53 p.m.

16 Q. And was this video also deleted at a later  
17 time?

18 A. Yes, it was, on April 12th.

19 MR. REED: Zoom out to the full page here.

20 BY MR. REED:

21 Q. Why would Patel be taking these pictures and  
22 this video?

23 MS. FRETTER: Objection. Calls for  
24 speculation.

25 BY MR. REED:

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1 Q. Why were these -- why would these photos and  
2 videos be taken?

3 MS. FRETER: I'm sorry. I didn't hear  
4 that.

5 THE COURT: She's saying you're -- how do  
6 you respond, that the question is asking him to  
7 speculate?

8 MR. REED: Well, are you asking whether it  
9 was Patel? Are you picking at that part of it?

10 MS. FRETER: Your question was: Why did  
11 Mr. Patel take these pictures? My objection is  
12 you're asking this witness to speculate.

13 MR. REED: Oh, about the "why" part.

14 MS. FRETER: Yeah.

15 BY MR. REED:

16 Q. I'll ask it this way: Looking at this sheet,  
17 can you tell me what app was used to take this?

18 A. Yes, the bundle ID associated with it and the  
19 bundle name show WhatsApp.

20 Q. And is this an album listed at the top as well,  
21 second line?

22 A. Yes, it's the album "WhatsApp."

23 Q. What does that indicate to you?

24 A. That would indicate that these photos were  
25 taken using the camera through the application

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1       WhatsApp.

2       Q.   And what is WhatsApp?

3       A.   WhatsApp is a messaging and call service that's  
4       available for download on both Android and iPhone  
5       devices in their stores, and it allows you to  
6       communicate with people around the world via text  
7       or call or even video chat.

8       Q.   So why would you be taking photos and video in  
9       the WhatsApp app?

10      A.   It would be to send them to other people.

11                 MR. REED:   Exhibit 158 for the witness,  
12      please -- or for the jury.

13      BY MR. REED:

14      Q.   What are we looking at here?

15      A.   The photo of a \$1 bill.

16      Q.   And page 2 of this exhibit, when was this photo  
17      taken?

18      A.   April 11, 2023, at 12:33 a.m.

19      Q.   About four-and-a-half hours after the photos of  
20      the box that we looked at earlier?

21      A.   Correct.

22                 MR. REED:   If we could put this side by  
23      side with 166.

24      BY MR. REED:

25      Q.   Okay.   So this photo was taken early in the

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1 morning on the 11th, 12:33 a.m. What was also  
2 happening at about that same time?

3 A. At approximately that same time, he had  
4 called -- Nirav Patel had called "Pickup."

5 Q. And that's Call No. 20 at 12:15 a.m., Call 21  
6 at 12:25 a.m.?

7 A. Correct.

8 MR. REED: If we can go to the second page  
9 of 166, please.

10 BY MR. REED:

11 Q. And then is there a third call earlier in the  
12 morning under entry 22?

13 A. Yes, there is.

14 Q. When is that call?

15 A. It occurred at 12:33 a.m.

16 Q. How long was it?

17 A. One minute and 3 seconds.

18 Q. So the photo of the bill, is it taken while  
19 he's on the phone with "Pickup"?

20 A. Yes, it is.

21 MR. REED: This photo of the bill number,  
22 if we can go back to that.

23 BY MR. REED:

24 Q. Based on your training and experience as a law  
25 enforcement officer, did this photo of the bill

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1 number mean anything to you?

2 A. Yes, it did. In these types of scams, in my  
3 training and experience, these bills, they use the  
4 serial numbers as basically tracking numbers for  
5 the money that they're moving through their  
6 network.

7 MR. REED: You can take both of those  
8 down.

9 BY MR. REED:

10 Q. During the course of your investigation, did  
11 you cover -- uncover additional evidence that  
12 Mr. Patel's vehicle was in Edwardsville on April  
13 10, 2023?

14 A. Yes, I did.

15 Q. And in fact -- well, what was that evidence?

16 A. Based on data located within the phone, I found  
17 that he had stopped at a gas station just outside  
18 of the Edwardsville venue on State Route 143 next  
19 to I-55 right outside Edwardsville.

20 Q. How far is that from Virginia Bryan's house?

21 A. One, maybe 2 miles approximately.

22 Q. Did you go to the Phillips 66?

23 A. Yes, I did.

24 Q. Were you able to obtain security camera footage  
25 there?

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1 A. Yes, I was.

2 Q. And did that security camera footage have  
3 multiple cameras in the course of the gas  
4 station?

5 A. Yes, it did.

6 MR. REED: Okay. If we could show the  
7 witness Government's Exhibit 70 and then 71 and 72.

8 BY MR. REED:

9 Q. Are these portions of the videos you obtained  
10 from Phillips 66?

11 A. Yes, they are.

12 MR. REED: Move to admit 70, 71 and 72.

13 MS. FRETER: No objection.

14 THE COURT: Admitted without objection.

15 (Government's Exhibit Nos. 70 through 72  
16 were received in evidence.)

17 MR. REED: If we could go back to Exhibit  
18 70, please.

19 BY MR. REED:

20 Q. Did you see a red Nissan pull into the gas  
21 station in this video?

22 A. Yes, I did.

23 Q. Tell me when you see it and where it is.

24 A. It's at that last pump at the left.

25 Q. Right there?

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1 A. Yes.

2 MR. REED: We can go ahead and zoom back  
3 out, Sandra.

4 BY MR. REED:

5 Q. The time stamp up in the right, it says it's  
6 the year 2000; is that correct?

7 A. No, that time stamp is incorrect.

8 Q. At the bottom in the middle is there also a  
9 time stamp?

10 A. Yes.

11 Q. That time stamp has the right date and time?

12 A. Yes, it does.

13 Q. So it's about 7:53 p.m. on the night of April  
14 10th?

15 A. That is correct.

16 Q. So we could watch this through, but is it fair  
17 to say that he doesn't -- nobody gets out of that  
18 car for a while?

19 A. For several minutes.

20 Q. And you've seen this all the way through. How  
21 many people get out of the car?

22 A. One.

23 MR. REED: So let's go ahead and jump  
24 forward to -- one moment. I lost my time stamp --  
25 7:56:20 according to the time stamp at the bottom.



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1 That's pretty close. Yeah. That's good.

2 Okay. Can we go back to 7:56. I'm sorry,  
3 Sandra. 7:56. You had it. It was about 4 minutes  
4 back, and 7:56 by the clock at the bottom. There  
5 we go.

6 BY MR. REED:

7 Q. The car door is opening?

8 A. Yes.

9 MR. REED: Can we go ahead and zoom back  
10 out.

11 (The video was played at this time.)

12 BY MR. REED:

13 Q. Okay. So he gets out of the car. He parked at  
14 the pump at, we said, 7:52 and change at the very  
15 beginning?

16 A. Yes.

17 Q. And now it's 7:56 and change, 7:57?

18 A. Correct.

19 Q. So it's about 4 minutes where he simply sits in  
20 the car?

21 A. Correct.

22 MR. REED: And if we can pause this for a  
23 moment, Sandra. Go back to 157.

24 BY MR. REED:

25 Q. Okay. This is the metadata for the video?

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1 A. Correct.

2 Q. So we said 7:52 to 7:56 he's sitting in the  
3 car. When was this video taken?

4 A. 7:53.

5 Q. So the video of the shoebox would be taken  
6 during that time between when the car parks and  
7 when the driver gets out?

8 A. That is correct.

9 MR. REED: If we can go back to 70.

10 BY MR. REED:

11 Q. Does -- he pumps gas?

12 A. Yes.

13 Q. All right. At some point does he move the car  
14 forward?

15 A. Yes, he does.

16 MR. REED: So Sandra, if you could move it  
17 forward to eight o'clock and 40 seconds, 8:00:40.  
18 Perfect.

19 (The video was played at this time.)

20 MR. REED: Okay. Move up to 71.

21 (The video was played at this time.)

22 BY MR. REED:

23 Q. This is a different camera, same place?

24 A. Yes.

25 Q. You can see the car pulling in?

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1 A. Correct.

2 MR. REED: Let's go ahead and move down to  
3 72.

4 (The video was played at this time.)

5 BY MR. REED:

6 Q. Same place, different camera?

7 A. Correct.

8 Q. Pays for his drink and chips and heads back  
9 out?

10 A. Correct.

11 MR. REED: Go ahead and pull that down.  
12 If we could go back to 166.

13 Okay. So that was all April 10, and then  
14 we looked at that part after midnight. Can we go  
15 to page 2 here of 166.

16 BY MR. REED:

17 Q. Call No. 24, when is the next contact?

18 A. April 13 at 5:32 p.m.

19 Q. Now, when we looked at those pictures and that  
20 video earlier, they were all deleted, right?

21 A. Correct.

22 Q. What day were they deleted; do you recall?

23 A. The 12th.

24 Q. Was there any communication from Danny or  
25 "Pickup" on April 12th that you could locate in the

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1 phone?

2 A. No.

3 Q. The next communication is April 13th?

4 A. Correct.

5 Q. And who is that with?

6 A. That is "Pickup" contacting Nirav Patel.

7 Q. And then Line 25, what day is it in Line 25?

8 A. April 20th.

9 Q. What happened on April 20th?

10 A. That was the day of the second pickup when we  
11 took Mr. Patel into custody.

12 Q. Who called Patel that day?

13 A. The contact "Pickup."

14 Q. And when was this first contact?

15 A. 2:16 p.m.

16 MR. REED: Go ahead and zoom back out to  
17 the full page.

18 BY MR. REED:

19 Q. There's a series of calls at about that time,  
20 right, 25, 26, 27, 28?

21 A. Correct.

22 Q. And then we admitted earlier some Apple Maps  
23 data. Was there a search in Apple Maps?

24 A. There was. At 2:34 p.m. on the 20th, Nirav  
25 Patel searched for the add -- directions from his

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1 location to 118 Hollyhock Lane in Edwardsville,  
2 Illinois.

3 Q. Who lives at 118 Hollyhock?

4 A. Virginia Bryan.

5 MR. REED: If we could put -- we'll move  
6 all these in at the same time.

7 If we could have 159 for the witness,  
8 please.

9 BY MR. REED:

10 Q. Is this a photo recovered from Mr. Patel's  
11 phone?

12 A. Yes, it is.

13 Q. And then 160, another photo from Mr. Patel's  
14 phone?

15 A. Yes, it is.

16 MR. REED: Move to admit 159 and 160.

17 MS. FRETER: No objection.

18 THE COURT: Be admitted.

19 (Government's Exhibit Nos. 159 and 160  
20 were received in evidence.)

21 MR. REED: Go back to 159.

22 BY MR. REED:

23 Q. What does this photo show?

24 A. This photo shows the Apple Maps application  
25 open to directions from the user's current location

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1 to 118 Hollyhock Lane.

2 Q. Is the current location up by Chicago?

3 A. Yes, it is.

4 Q. Page 2 here, when is this screenshot taken?

5 A. It's taken at about 2:34 p.m. on April 20th.

6 MR. REED: Can we go back to the call  
7 summary, which is 166, page 2.

8 BY MR. REED:

9 Q. So, you know, within 60 seconds of when he  
10 makes the search?

11 A. Correct.

12 MR. REED: If we can go to the -- that  
13 next photo, 160.

14 BY MR. REED:

15 Q. What's shown here?

16 A. That is a photo of a phone with directions open  
17 to the Google Maps application showing an exit in  
18 57 miles to St. Louis with an arrival of  
19 approximately 7:40 p.m.

20 Q. When did Mr. Patel arrive in Edwardsville that  
21 night?

22 A. Approximately 7:45.

23 MR. REED: If we could go to page 2 of  
24 this.

25 BY MR. REED:

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1 Q. This photo is also taken on April 20th?

2 A. Correct.

3 Q. And that's when he was arrested, that night?

4 A. Correct.

5 MR. REED: No further questions. Thank  
6 you, sir.

7 THE WITNESS: Thank you.

8 **CROSS-EXAMINATION**

9 BY MS. FRETER:

10 Q. Detective?

11 A. Yes.

12 Q. Okay, good. So you were here yesterday, so I'm  
13 going to sort of go back and remind us of some of  
14 the things we talked about yesterday, and then  
15 we'll do today.

16 You went through yesterday and then you've  
17 gone through some today -- we'll do yesterday.

18 With Ms. Bryan, you looked at her phone,  
19 right?

20 A. Correct.

21 Q. Did you do an extraction on her phone, or did  
22 you just look through it?

23 A. I did an extraction of it.

24 Q. Okay. And what software did you use for  
25 extraction?

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1 A. For her phone, we used the Cellebrite UFED  
2 extraction.

3 Q. Did you use a different program for Mr. Patel's  
4 phones?

5 A. His phones were done with extractions --  
6 ultimately, we had an extraction from GrayKey on  
7 his devices; however, initially we did do  
8 extractions on his phones with the Cellebrite UFED,  
9 I believe. I'd have to check. I don't recall  
10 exactly.

11 Q. How would you check?

12 A. I'd have to -- I'd have to review my report. I  
13 don't recall.

14 Q. Do you have your report?

15 A. I do not.

16 Q. Okay. Bummer. I'll see if I've got it in here  
17 in a minute, and then we'll go back around.

18 MS. FRETER: While we're here, can I show  
19 to the witness and the jury defendant -- sorry,  
20 Government's Exhibit 161.

21 BY MS. FRETER:

22 Q. And I think you were just talking to the  
23 Government a little bit about this. What is this,  
24 161?

25 A. This is a summary of calls from one of the



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1 devices. It's automatically generated by our  
2 forensic software tool based off of whatever  
3 section of the data we want to review.

4 Q. Okay. And then is your forensic software tool  
5 Oxygen Forensic Detective?

6 A. That is used for the analysis of the  
7 extractions, yes.

8 Q. Okay. So what is the forensic software tool?  
9 What is that?

10 A. It's a tool that's specially designed to  
11 analyze extractions that are created from any tool  
12 we use to create the extraction. There is a wide  
13 range of forensic software tools. Oxygen is the  
14 one that we use that's licensed to our police  
15 department to basically analyze extractions that we  
16 receive no matter what device we use to complete  
17 the extraction itself.

18 Q. And so I'm going to sort of take that a little  
19 bit apart. The Cellebrite hardware, the box that  
20 you plug into, you used that for Ms. Bryan's phone,  
21 right?

22 A. Correct.

23 Q. And Cellebrite has a, sort of, companion  
24 software thing that goes with it called Cellebrite  
25 Reader? Are you familiar with that?

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1 A. Yes, it does.

2 Q. And have you used that before?

3 A. Yes, I have.

4 Q. And that's a tool that you can use -- a  
5 software tool you can use to analyze the data that  
6 you extract; is that correct?

7 A. Yes, you can.

8 Q. And then for Mr. Patel's phone, you used  
9 something called GrayKey; is that right?

10 A. Correct.

11 Q. And GrayKey, for whatever reasons, works better  
12 with iPhones than Androids?

13 A. Yes, it does.

14 Q. And so it was your choice in this case to use  
15 the GrayKey hardware to extract Mr. Patel's iPhone  
16 data; is that right?

17 A. Yes.

18 Q. But then in analyzing it, you used this Oxygen  
19 Forensic Detective instead of something like  
20 Cellebrite Reader or some other product?

21 A. Correct.

22 Q. And this Oxygen Forensic Detective enables you  
23 to -- after you do the extraction -- which is  
24 mostly like making a copy? Is that fair to say?

25 A. Yes.

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1 Q. It allows you to go in and tag things; is that  
2 right?

3 A. Correct.

4 Q. And then you can put all of those tags together  
5 in any different way you want into a report?

6 A. Into a summary, yes.

7 Q. A summary?

8 A. Yes.

9 Q. Okay. And that summary or report is what we're  
10 looking at here in Exhibit 161; is that right?

11 A. Correct, except these aren't based specifically  
12 off the tags I created during the investigation.

13 Q. Okay. But meaning that there's more data in  
14 this 161 than just the tag part?

15 A. Correct.

16 Q. Okay. And so if we look down here -- I think  
17 there's one on this -- the Cellebrite Reader  
18 reporter looks differently than this Oxygen  
19 Forensic Detective does; is that right?

20 A. If I -- are you asking if I'd had the summary  
21 generated by Cellebrite, if it would've looked  
22 different?

23 Q. Yeah, it's just like a different format --

24 A. Format, yes.

25 Q. It just looks differently.

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1 A. Yes.

2 Q. They're essentially the same thing, but they  
3 view differently?

4 A. Correct.

5 Q. And they have -- Cellebrite sometimes puts the  
6 call part or the text part in one place and then  
7 the metadata in a separate place; is that right?  
8 It's just like the format is different. Here we  
9 can see it's all put together, right, so you've got  
10 the call and then you've got all the stuff  
11 associated with it, that it was in WhatsApp, all of  
12 it is all together in one piece?

13 A. Yes.

14 Q. And it's just a formatting change based on  
15 their software?

16 A. Correct.

17 Q. Okay. I don't know if this is one of the right  
18 ones, but there are -- in some of the exhibits that  
19 we looked at, at the bottom of it, it does say,  
20 like, "tag," and it says "tag" is an actual note  
21 and then it says "suspect's phone." Do you  
22 remember that?

23 A. Yes.

24 Q. Okay. And that tag and the identification of  
25 "suspect's phone" was something that you put in?

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1 A. That is correct.

2 Q. And you either had the software search or you  
3 searched by hand a certain phone number that you  
4 were interested in and you tagged that as  
5 "suspect's phone"?

6 A. Correct.

7 Q. And then you had the software pull up all the  
8 ones that had that number, and it compiled it into  
9 a report?

10 A. Yes.

11 MS. FRETER: And we can take this down.

12 BY Ms. FRETER:

13 Q. In talking about the calls and the texts and  
14 the time that Ms. Bryan's phone was on with this  
15 suspect phone yesterday, I can't remember the  
16 number of hours, but it was a lot. It was 10 or 20  
17 hours. Wasn't it a lot of hours?

18 A. It was a significant number of hours.

19 Q. And you testified that it was, in your training  
20 and experience, that one of the reasons somebody  
21 would do that -- and I want to make sure I got it  
22 right -- is to maintain control to ensure no one  
23 else could interfere with the scam?

24 A. Correct.

25 Q. And can you explain a little bit more, based on

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1 your training, what that means? Fill that out for  
2 us a little bit.

3 A. Yes. One of the ways these scams operate is  
4 they try and isolate the victim from people around  
5 her who might identify that it's a scam. They try  
6 and shorten the amount of time in the bank where  
7 the bank may ask her a lot of questions. They try  
8 and ensure she's not talking to family too much,  
9 who might start questioning her financial decisions  
10 or why she's moving large quantities of money,  
11 things like that.

12 Q. I'm going to have you move that mic, just the  
13 whole stand, just a little closer to you because  
14 when you turn toward them, we lose you a little  
15 bit.

16 A. I apologize.

17 Q. That's okay. And so there's this piece of  
18 isolation, if I keep you on the phone for three  
19 hours, you're not able to talk to anybody else,  
20 right?

21 A. Yes.

22 Q. There's also this sort of sense, when you look  
23 at Ms. Bryan's records and what was happening, it's  
24 like text, call, text? It's just this sort of  
25 barrage of pushed communications; is that right?

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1 A. Correct.

2 Q. And then also, at the same time, there's the  
3 request or demand for her to do stuff, go to the  
4 bank, go to the Bitcoin, and then send all these  
5 pictures, right?

6 A. Correct.

7 Q. And then within her phone, they're saying, you  
8 know, send us a picture of the cash or send us a  
9 picture of the box; is that right?

10 A. Yes.

11 Q. And it keeps the person who that's directed to  
12 busy with these tasks all the time; is that  
13 right?

14 A. Correct.

15 Q. And in her phone you can tell that some of the  
16 stuff that she was sending wasn't even read; is  
17 that correct?

18 A. I don't recall.

19 Q. Okay. But it's possible, if you go back  
20 through the records, that the person who is  
21 demanding all this stuff may not even be reading  
22 these messages, that the purpose is just to push  
23 her to do all this stuff all the time?

24 A. Yes.

25 Q. Not that they really need it, they just want

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1 her being active in this fraud situation, right?

2 A. That's fair to say.

3 Q. And that's part of this isolation?

4 A. Yes.

5 Q. When you were looking at Mr. Patel's phones,  
6 you just went through with the Government -- I  
7 think it was --

8 MS. FRETER: If we can have up, from my  
9 computer again, Government's 166.

10 BY MS. FRETER:

11 Q. Which, this is that summary that -- you did  
12 this summary, right?

13 A. This summary was put together by the  
14 prosecution. I reviewed it.

15 Q. You reviewed it, and it's based on the phone  
16 records that you looked at --

17 A. Yes.

18 Q. -- when you did the extraction?

19 A. That is correct.

20 Q. And this is accurate?

21 A. Yes.

22 Q. And what you did is you took the calls on -- or  
23 texts from important dates relative to this case?  
24 So, for example, April 10th is an important date in  
25 this case because that's when Ms. Bryan gave the



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1 box, right?

2 A. Correct.

3 Q. And then, also, if we go down here, April 20th  
4 is an important date in this case because that's  
5 the day that Mr. Patel gets arrested?

6 A. Correct.

7 Q. And so you took those important dates and you  
8 -- or the Government did, but you saw it. All  
9 these calls and texts and WhatsApp, you put it all  
10 into the summary chart to show how many there were  
11 and when they were; is that right?

12 A. Correct.

13 Q. And in this summary, there's 39 calls or texts  
14 or communications; is that right?

15 A. Correct.

16 Q. And they're happening, I think you testified  
17 to, like every couple of minutes or sort of  
18 continuously; is that right?

19 A. In some instances, there's an hour, or longer,  
20 gaps between several of them.

21 Q. And then we can go to -- this is Government's  
22 Exhibit 159. We just looked at this. This is the  
23 driving directions to Hollyhock Lane; is that  
24 right?

25 A. Correct.

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1 Q. And this is from the April 20th, so the date of  
2 the arrest day; is that right?

3 A. Can I see the metadata on the second page?

4 Q. Sure. I'll zoom out a little bit.

5 A. That's correct.

6 Q. Okay. So this is the second -- down here, this  
7 April 20th date, that's the day of the arrest,  
8 right?

9 A. Correct.

10 Q. And this is a screenshot that's taken and  
11 stored in the phone; is that right?

12 A. Correct.

13 Q. So it's not that you're looking through the  
14 phone -- or when you extract data, it's not like  
15 the Maps application is still open?

16 A. No, not for this specific instant -- I'm sorry.  
17 Can you ask it again.

18 Q. The Maps application may be open, but that's  
19 not where this comes from?

20 A. No. That is a screenshot that was taken at  
21 approximately 2:34 of the app.

22 Q. Most people know, but a screenshot, most  
23 phones, you just, like, press the camera button and  
24 the volume button down, and it captures whatever is  
25 on the screen of the phone, right?

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1 A. Yes.

2 Q. And then you can tell, when you analyze the  
3 phone, that this picture, this screenshot, was then  
4 sent back out, right?

5 A. Scroll back down in the metadata if you would,  
6 please. This one specifically I cannot say that  
7 based off of this photo data.

8 Q. You saw within the phone that there were map  
9 screenshots in this whole thing that were sent  
10 out?

11 A. That is correct.

12 Q. Okay. And for this one, particularly, there's  
13 maps, and we looked at gas station videos, that  
14 indicate that Mr. Patel was at or near this  
15 Hollyhock address on April 10th of 2022, right?

16 A. That is correct.

17 Q. And this one, again, is on April 20th of  
18 2022?

19 A. That is correct.

20 Q. So, but -- okay.

21 MS. FRETER: That's good. And then -- we  
22 can take this down.

23 BY MS. FRETER:

24 Q. There's also a video that we looked at from  
25 that April 10th that had that shoebox in it that

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1 Ms. Bryan said that she had put cash into; is that  
2 right?

3 A. That is correct.

4 Q. And do you recall that video was sent out; is  
5 that right?

6 A. I'd have to review the metadata for that  
7 again.

8 Q. Does it sound familiar that that's the one you  
9 went through with the Government when he's at the  
10 gas station?

11 A. I believe so. I believe that that was  
12 associated with the WhatsApp bundle ID.

13 Q. And so WhatsApp is a -- well, it's an  
14 application, right, that you can -- it's like  
15 Snapchat, which is also an application, where you  
16 can send text and video, right?

17 A. Correct.

18 Q. WhatsApp you can also make phone calls  
19 through?

20 A. Correct.

21 Q. It's the same kind of -- type of program you  
22 might get a text message app on your phone, it  
23 might be a different sort of one, but it's just an  
24 application where you can do a whole bunch of  
25 communication with? Is that fair to say?

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1 A. That's fair to say.

2 Q. And there's other ones. Facebook Messenger you  
3 can send videos and texts; and by texts, I mean  
4 writing, right?

5 A. Correct.

6 Q. And so in this WhatsApp on Mr. Patel's phone  
7 you could tell there was both written, text-type  
8 communication, right?

9 A. Correct.

10 Q. And then also phone, talking communication?

11 A. Correct.

12 Q. And sending of videos and pictures also?

13 A. Correct.

14 Q. And the ones that you looked at at the gas  
15 station, those were from April 10th of 2022,  
16 right?

17 A. Correct.

18 Q. And there was both phone calls and texts and  
19 video on that day?

20 A. Correct.

21 Q. And that -- I think that you said with the  
22 Government that that was -- that those -- you could  
23 tell from the metadata that those were taken on  
24 April the 10th; is that right?

25 A. Correct.

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1 Q. And then they were deleted on April the 12th?

2 A. Correct.

3 Q. So two days later those got put into the delete  
4 folder; is that right?

5 A. Yes, they were moved to the trash.

6 Q. And then you were able to extract them later  
7 even though they were in the delete folder?

8 A. Correct.

9 Q. What color was Mr. Patel's car?

10 A. Maroon.

11 Q. And that's -- you saw it both in person at the  
12 time of the arrest, right?

13 A. Correct.

14 Q. And you also saw it on this gas station  
15 video?

16 A. Correct.

17 Q. And if you had to call it in, you would say  
18 maroon car with Illinois plates?

19 A. Correct.

20 MS. FRETTER: I don't have anything  
21 further.

22 MR. REED: Just briefly, Judge.

23 **REDIRECT EXAMINATION**

24 BY MR. REED:

25 Q. Defense counsel asked you about different phone

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1 extraction programs; is that fair?

2 A. Correct.

3 Q. Do you have access, either through your office  
4 or other offices, to multiple programs?

5 A. Yes, I do.

6 Q. Is it your practice to extract the same phone  
7 in different programs?

8 A. Yes.

9 Q. Cellebrite is one of those programs?

10 A. Correct.

11 Q. GrayKey is one of those programs?

12 A. Correct.

13 Q. Okay. And this Oxygen Forensic, is that  
14 related to GrayKey?

15 A. It's not associated with the company that makes  
16 either of those.

17 Q. Okay. What's that?

18 A. Oxygen is a company that makes their own  
19 version of a -- both analysis tool and an  
20 extraction tool; however, it doesn't have quite the  
21 capabilities of Cellebrite or GrayKey for  
22 extraction purposes. For analysis purposes, it  
23 does.

24 Q. Earlier this morning we looked at several  
25 photos and videos and call records from Mr. Patel's

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1 phone. Is that fair to say?

2 A. Yeah.

3 Q. Okay. Those records that we looked at, they  
4 showed up in multiple extractions?

5 A. Yes.

6 Q. And of course, the fact that two programs are  
7 operating the same way and producing that same  
8 information suggests it's pretty good  
9 information?

10 A. Correct.

11 Q. Defense counsel also asked you about  
12 Government's Exhibit 166.

13 MR. REED: And if we could pull that up.

14 BY MR. REED:

15 Q. These are the phone calls with those two  
16 individuals between Patel and Danny and Patel and  
17 "Pickup"?

18 A. Correct.

19 Q. Are there a lot of calls on April 10 and April  
20 20?

21 A. There's a fair number, yes.

22 Q. Fewer calls on other days?

23 A. Yes.

24 Q. On Virginia Bryan's phone, we talked about  
25 maintaining control and isolation. How long did



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1 Ms. Bryan tend to be on the phone in the course of  
2 a day?

3 A. Hours and hours.

4 Q. Hours and hours?

5 A. She spent a significant amount of time on the  
6 phone with the scammer.

7 Q. How does that compare to how Nirav Patel is  
8 communicating with "Pickup" and Danny?

9 A. Completely different. There is a number of  
10 calls; however, the duration of most of them is --  
11 several of them are less than a minute. Some of  
12 them are a few minutes long, but it's nothing  
13 compared to the contact with Ms. Bryan.

14 Q. Fair to say that the calls also tend to relate  
15 to events that are happening?

16 A. Yes.

17 Q. Okay. So one event would be when he starts  
18 out?

19 A. Correct.

20 MS. FRETER: Objection, Your Honor. This  
21 calls for speculation.

22 THE COURT: Overruled.

23 BY MR. REED:

24 Q. One of those would be as he's going?

25 A. Yes.

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1 Q. Another would be when he gets there?

2 A. Correct.

3 Q. And another would be that picture of the dollar  
4 bill where he's someplace else?

5 A. Correct.

6 Q. And if we look at this, just to be very clear,  
7 this 166 does not show any communication on April  
8 12 with "Pickup" or Danny, right, on April 12?

9 A. Correct.

10 Q. In fact, the whole phone extraction, no phone  
11 communication with them on that day?

12 A. Correct.

13 Q. But that was the day that Nirav Patel deleted  
14 those photos and videos connecting him to  
15 Edwardsville on April 10th from his phone?

16 A. Correct.

17 MR. REED: No further questions.

18 **RECROSS-EXAMINATION**

19 BY MS. FRETER:

20 Q. The communications with Ms. Bryan were also  
21 associated with events, correct?

22 A. Not specifically. They were kind of  
23 continuous. There was the events for, like, going  
24 to the bank, things like that; however, there was  
25 several calls where she was just at her house, and

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1 he just stayed on the phone with her.

2 Q. But there were calls and messages when she was  
3 at the bank?

4 A. That is true.

5 Q. There were calls and messages when she was at  
6 the Bitcoin?

7 A. Yes.

8 Q. There were calls and messages where they were  
9 directing her to find the Bitcoin or whatever,  
10 right?

11 A. Yes.

12 Q. And when she's at her house, she's not driving,  
13 correct?

14 A. Correct.

15 MS. FRETER: I don't have anything  
16 further.

17 MR. REED: Nothing else, Judge. Thank  
18 you, sir.

19 THE COURT: All right. You may step down.  
20 (Witness excused.)

21 THE COURT: Let's take a five-minute  
22 recess, and we'll come back with the next witness.

23 (Recess at 10:03 a.m. until 10:14 a.m.)

24 (Jury present.)

25 THE COURT: Call your next witness.

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1 MR. REED: Judge, the Government calls  
2 Gurdeep, G-u-r-d-e-e-p, Kesar, K-e-s-a-r.

3 (Witness sworn.)

4 COURTROOM DEPUTY: Please state your full  
5 name and spell your last name for the Court.

6 THE WITNESS: Gurdeep and last name Kesar,  
7 K-e-s-a-r.

8 COURTROOM DEPUTY: Thank you so much.  
9 Have a seat.

10 THE WITNESS: Thank you.

11 **GURDEEP KESAR, GOVERNMENT'S WITNESS,**

12 **DIRECT EXAMINATION**

13 BY MR. REED:

14 Q. Ma'am, if you'll pull in your chair a little  
15 bit so you can talk into the microphone. This  
16 ceiling is a sound killer, so the more you can talk  
17 into the mic, the better.

18 A. I'm fine.

19 Q. Good morning, ma'am. How are you employed?

20 A. I'm good.

21 Q. What do you do for work?

22 A. I do translation and interpretation.

23 Q. And Ms. Kesar, where were you born?

24 A. I was born in India.

25 Q. Okay. You're here to testify about

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1 translations from Hindi into English?

2 A. Yes.

3 Q. And how do you know Hindi, ma'am?

4 A. That is the national language in India, and  
5 everybody has to learn it.

6 Q. Okay. And you knew it from growing up in  
7 India?

8 A. Correct.

9 Q. You learned it as a child?

10 A. Yes.

11 Q. Do you still have family in India?

12 A. Yes.

13 Q. Did you go to college?

14 A. Yes.

15 Q. Where did you go to college?

16 A. In India.

17 Q. Okay. Did you obtain a bachelor's degree?

18 A. Yes.

19 Q. And what was that degree in?

20 A. It was in education.

21 Q. And when was that about?

22 A. I don't remember. I'm 74.

23 Q. 1970s or so?

24 A. Maybe -- yes, in '70s maybe.

25 Q. Okay. Did you learn English while you were in

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1 India?

2 A. Yes.

3 Q. What did you do after college?

4 A. I got married.

5 Q. You got married?

6 A. Yes.

7 Q. Did you stay in India?

8 A. No, I went to Nigeria.

9 Q. To Nigeria?

10 A. Yes.

11 Q. How long were you in Nigeria?

12 A. About seven years.

13 Q. And what language was spoken in the area of  
14 Nigeria where you lived?

15 A. English.

16 Q. Did you move from Nigeria?

17 A. Yes.

18 Q. Where'd you go?

19 A. USA.

20 Q. And about -- roughly when was that?

21 A. 1984.

22 Q. 1984?

23 A. Yes.

24 Q. So you've been here in the United States for  
25 about 40 years?

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1 A. Exactly.

2 Q. Do you have kids?

3 A. Yes.

4 Q. Were they born here in the United States?

5 A. Yes.

6 Q. And did your family speak English or Hindi at  
7 home as they were growing up?

8 A. I speak Punjabi and my husband, too, but my  
9 children, they speak English.

10 Q. Okay. When did you begin doing translation  
11 work?

12 A. In 2006.

13 Q. So about 18, 19 years ago?

14 A. Yes.

15 Q. And are you employed somewhere, or are you a  
16 freelancer on your own?

17 A. I'm sorry?

18 Q. Are you employed with a specific agency, or are  
19 you a freelancer?

20 A. I am a freelancer.

21 Q. And where are you based, ma'am? What state?

22 A. I work for Lionbridge, and I work for many  
23 agencies in New York.

24 Q. Okay. You mentioned Lionbridge. How long have  
25 you worked for Lionbridge?

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1 A. Since 2008 or '6, somewhere like that.

2 Q. And they're not the only interpretation service  
3 you work with?

4 A. No.

5 Q. Okay. Geneva Worldwide, is that another one?

6 A. Yes.

7 Q. International Interpreters?

8 A. Yes.

9 Q. Legal Interpreting Services?

10 A. Correct.

11 Q. Okay. And what kind of settings -- so we're in  
12 a courthouse now. What other kind of settings have  
13 you done translation work in?

14 A. I do depositions.

15 Q. Depositions?

16 A. Yes.

17 Q. Okay. And what else?

18 A. Translations, depositions; many kinds of  
19 depositions, I mean, like motor vehicle accidents,  
20 slip and fall, trip and fall, all those kind.

21 Q. Whatever comes in?

22 A. Yeah, whatever is there.

23 Q. And do you also do written interpretation -- or  
24 written translations?

25 A. Yes.



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1 Q. Documents and that kind of thing?

2 A. Yes.

3 Q. From Hindi into English?

4 A. Punjabi-English, Hindi-English, yes.

5 MR. REED: Judge, at this time I move to  
6 qualify Ms. Kesar as an expert in the translation  
7 and interpretation from the Hindi language into the  
8 English language.

9 MS. FRETTER: No objection.

10 THE COURT: You may offer opinions without  
11 objection.

12 BY MR. REED:

13 Q. How did you become involved in this particular  
14 case, ma'am?

15 A. I got this from Lionbridge, this project.

16 Q. Okay. So you were retained to do the  
17 translation work by Lionbridge?

18 A. Yes.

19 Q. And then Lionbridge has a contract with  
20 Homeland Security Investigations?

21 A. Yes.

22 Q. Okay. Were you compensated for your work with  
23 Lionbridge?

24 A. Yes.

25 Q. Okay. And were you separately retained to

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1 travel and testify in this trial?

2 A. Correct.

3 Q. Okay. Lionbridge didn't cover that?

4 A. No.

5 Q. Okay. So you were separately retained by my  
6 office, the U.S. Attorney's Office?

7 A. Yes.

8 Q. And are you being compensated to testify as  
9 well?

10 A. Yes.

11 Q. So through Lionbridge did you receive a  
12 recorded interview of Nirav Patel by HSI agents?

13 A. Yes.

14 Q. Was part of that interview conducted in  
15 Hindi?

16 A. Yes.

17 Q. Did you listen to that interview?

18 A. Yes.

19 Q. And created a transcript of the interview?

20 A. Yes.

21 Q. And the transcript takes the Hindi -- the  
22 spoken Hindi recording and puts it in written  
23 English?

24 A. Correct.

25 MR. REED: So if we can put up

KESAR - CROSS/FRETER

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1 Government's Exhibit 6.

2 BY MR. REED:

3 Q. Ma'am, are the translations contained in this  
4 transcript from Hindi to English true and accurate  
5 to the best of your knowledge?

6 A. Yes.

7 MR. REED: Move to admit Government's  
8 Exhibit 6.

9 MS. FRETER: No objection.

10 THE COURT: 6 is admitted.

11 (Government's Exhibit No. 6 was received  
12 in evidence.)

13 MR. REED: No further questions, ma'am.  
14 Thank you.

15 THE WITNESS: Thank you.

16 THE COURT: Ma'am, she has some questions  
17 for you.

18 MR. REED: Please sit back down. There  
19 may be a few more questions for you.

20 **CROSS-EXAMINATION**

21 BY MS. FRETER:

22 Q. In India, which is a very large country, there  
23 are different regions; is that right?

24 A. Yes.

25 Q. And then is it Punjar (ph.), is that --

KESAR - CROSS/FRETER

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1 A. Punjabi.

2 Q. Punjabi, is that both the region and the local  
3 language?

4 A. Yes.

5 Q. And then Gujarati is also a language of a  
6 different region; is that right?

7 A. Correct, yes.

8 Q. And what region does Gujarati go with?

9 A. Gujarat.

10 Q. And so Hindi is a -- when you say a national  
11 language, it's a language that covers the whole of  
12 India; is that right?

13 A. Yes.

14 Q. And so I'm sorry. I can't hear you. Can you  
15 move that?

16 A. Yes, yes.

17 Q. And would you say that Hindi is sort of a  
18 more -- I don't want to say -- is a more formalized  
19 or more official language than Punjabi or  
20 Gujarati?

21 A. That's correct.

22 Q. And would you say that the difference -- do you  
23 speak Gujarati?

24 A. No.

25 Q. Can you understand it at all?

KESAR - CROSS/FRETER

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1 A. Few words only.

2 Q. But not really?

3 A. No.

4 Q. But Punjabi you understand very well?

5 A. Of course, yes.

6 Q. And would you say the difference between  
7 Punjabi and Hindi is the difference between like  
8 Italian and Spanish?

9 A. No, they're a sister language. Like Hindi and  
10 Punjabi, they're sisters. Like few words are  
11 different but mostly 90 percent is the same.

12 Q. Is that also true for Gujarati?

13 A. I don't know much about Gujarati, but few  
14 words, I think, they're similar like Hindi.

15 Q. Okay. When you do your translation work, have  
16 you ever come across or had to use Google  
17 Translate?

18 A. No.

19 Q. Have you ever heard of people having experience  
20 with Google Translate?

21 A. No.

22 Q. And then, in this case, did you work on this  
23 transcript -- when did you do the transcript  
24 between the video and the transcript you made?

25 A. I think sometime in October last year.

KESAR - CROSS/FRETER

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1 Q. October of twenty --

2 A. Four.

3 Q. -- four?

4 A. Correct.

5 Q. Did you only work on it in October of '24, or  
6 did you rework on it sometime later?

7 A. I think I did some missing translation. I  
8 filled that, yes.

9 Q. And when did you fill in the missing  
10 translation?

11 A. Maybe by December.

12 Q. Maybe? I'm sorry. I didn't hear you.

13 A. By December.

14 Q. December?

15 A. '24, yes.

16 Q. So you did a transcript in October of '24 and  
17 then later it was communicated to you to sort of  
18 fill out the transcript some more; is that right?

19 A. A little bit, yes.

20 Q. Is that because the first time that you did it  
21 in October it didn't include all of the words that  
22 were spoken?

23 A. Yes.

24 Q. And then when you went back in December, you  
25 added more to the transcript?

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1 A. Correct.

2 Q. Can you estimate how much you had to add  
3 between October and December, how much extra words  
4 there were?

5 A. Maybe 2 percent.

6 Q. And when you're doing a transcript or a  
7 translation from an audio and videotape, it can  
8 sometimes be hard to hear or it's mumbly what the  
9 person is saying; is that right?

10 A. Yes.

11 Q. And you have to go back over it a bunch of  
12 times to just try to hear what it is that they're  
13 talking about; is that fair?

14 A. Yes.

15 Q. And you try your very best to make out what  
16 those words are?

17 A. Correct.

18 Q. But sometimes you just can't hear it?

19 A. Yes.

20 Q. And unlike here, when I can't hear you, I can  
21 ask you to speak louder, right?

22 A. Yes.

23 Q. But on the tape, you're just stuck with  
24 whatever anybody gives you?

25 A. Yes.

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1 Q. And when you can't hear what the words are, you  
2 put into the transcript "UI;" is that right?

3 A. Yes.

4 Q. And that's for "unintelligible"?

5 A. Yes.

6 Q. And how did you learn to put "UI" in there?

7 A. That's a part of the translation.

8 Q. Do you know what the -- the -- the tape that  
9 you -- well, that's too far.

10 MS. FRETER: I don't have anything  
11 further.

12 **REDIRECT EXAMINATION**

13 BY MR. REED:

14 Q. Ma'am, you listened to that recording probably  
15 many times, right?

16 A. Yes.

17 Q. You speak Hindi and you've done this a lot of  
18 times?

19 A. Yes.

20 Q. Did it seem that the speakers who were speaking  
21 in Hindi were fluent in Hindi?

22 A. Yes.

23 MR. REED: No further questions.

24 THE COURT: Any recross?

25 MS. FRETER: No, thank you.



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1 THE COURT: You may step down, ma'am.

2 THE WITNESS: Thank you.

3 (Witness excused.)

4 THE COURT: Call your next witness.

5 MR. REED: Judge, the Government calls  
6 Harleen Kaur.

7 COURTROOM DEPUTY: Please raise your right  
8 hand.

9 (Witness sworn.)

10 COURTROOM DEPUTY: Please state your full  
11 name and spell your last name for the Court.

12 THE WITNESS: Full name is Harleen Kaur,  
13 K-a-u-r.

14 COURTROOM DEPUTY: Thank you so much.  
15 Have a seat.

16 THE WITNESS: Thank you.

17 **HARLEEN KAUR, GOVERNMENT'S WITNESS,**

18 **DIRECT EXAMINATION**

19 BY MR. REED:

20 Q. Good morning, ma'am. Where do you work?

21 A. Good morning. I work for Homeland Security  
22 Investigations, known as HSI.

23 Q. And how long have you been with HSI?

24 A. I have been with HSI since September of 2022.

25 Q. Okay. And what kind of work does HSI do?

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1 A. Homeland Security Investigations is the  
2 investigative arm of the Department of Homeland  
3 Security. We investigate a wide range of criminal  
4 investigations ranging from narcotics to gangs to  
5 violent crime to white-collar crime, financial  
6 crimes, elder abuse, trafficking, alien smuggling  
7 and whatnot.

8 Q. Okay. And what did you do before becoming a  
9 Special Agent with HSI?

10 A. I worked for Enforcement and Removal Operations  
11 as a deportation officer. ERO is responsible for  
12 the arrest, detention and, ultimately, the removal  
13 of illegal immigrants and individuals that pose a  
14 public safety or national security risk to the  
15 United States.

16 Q. I'll ask you to slow down just a little bit for  
17 the court reporter.

18 A. Okay.

19 Q. How long were you in an enforcement role for  
20 borders?

21 A. 2018 until 2022.

22 Q. Did you go to college, ma'am?

23 A. I did.

24 Q. Where did you go to college?

25 A. I had my bachelor's in criminal justice and law

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1 -- criminology and law studies at Marquette, and I  
2 did my master's in forensic psychology at Walden  
3 University.

4 Q. When did you complete your master's degree?

5 A. In 2015.

6 Q. Ma'am, where were you born?

7 A. I was born in India.

8 Q. How long did you live in India?

9 A. Until I was seven years old, and then I came to  
10 the United States.

11 Q. What is your native language?

12 A. Hindi.

13 Q. Your family moved to the United States when you  
14 were seven?

15 A. Yes.

16 Q. Did you grow up in an Indian-American  
17 community?

18 A. I did, yes.

19 Q. And do you still have family and friends in  
20 India?

21 A. I do.

22 Q. How often do you go back to India?

23 A. I try to go back every other year. The last  
24 time I went back was 2022, and I'm actually going  
25 again on this Tuesday.

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1 Q. Are you still fluent in Hindi?

2 A. I am.

3 Q. Is Hindi spoken widely in India?

4 A. Yes. India has 22 not national but regional  
5 languages, which Hindi is the widespread -- from  
6 Northern India all the way to Southern India, it's  
7 widely spoken.

8 Q. Did you review the phone extractions in this  
9 case for Nirav Patel?

10 A. I did.

11 Q. What languages besides English were the  
12 documents in that -- in those phone extractions?

13 A. They were in Gujarati.

14 Q. Were there documents in any other language?

15 A. I believe I recall some documents in Hindi as  
16 well.

17 Q. Were those handwritten?

18 A. Yes.

19 Q. Do you speak Gujarati?

20 A. I cannot.

21 Q. Okay. It's a different language?

22 A. It is. It is a completely different language  
23 than Hindi. The words -- some of the words are  
24 very similar, but other than that, it's a different  
25 language. It's written differently. The script is

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1 different from Hindi.

2 Q. Yesterday we looked at some Gujarati text  
3 messages, and we talked about the word "mama." Do  
4 you remember that?

5 A. I do.

6 Q. What do your parents call you now that you work  
7 for HSI?

8 A. So "mama" in slang in Hindi, actually, is the  
9 same word that we use for a police officer or a  
10 cop. So sometimes when my dad's driving down, he  
11 sees a police officers on the side of the road,  
12 he's like, Oh, I have to slow down. I'm like,  
13 Yeah, you also have a "mama" sitting right next to  
14 you, too, so make sure you slow down.

15 Q. Do you recall yesterday -- well, maybe it was a  
16 couple days ago -- looking at a series of  
17 screenshots from Google Translate?

18 A. Yes.

19 MR. REED: Can we pull up Government's  
20 Exhibit 51.

21 BY MR. REED:

22 Q. You've done some border work in the past.  
23 Would you ever use Google Translate?

24 A. I would, yes.

25 Q. And these translations, what language is being

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1 used here?

2 A. Hindi.

3 Q. English to Hindi?

4 A. Yes, English to Hindi.

5 Q. You speak both English and Hindi?

6 A. I do, yes.

7 Q. If you had been asked the questions that are in  
8 Hindi here, would you have understood them to mean  
9 the same as the English in these --

10 A. So this specific screenshot, I cannot read it  
11 because I cannot read or write in Hindi, but some  
12 of the other ones that had the English phonetics,  
13 basically, I can understand that.

14 MR. REED: Okay. So if we can go to page  
15 2.

16 THE WITNESS: So, for example, this one,  
17 underneath it, it says, "aapake fon ka paasakod kya  
18 hai," which conveys, "What is the passcode for your  
19 phone?"

20 BY MR. REED:

21 Q. So as a native Hindi speaker, if you had seen  
22 these, you would have understood what is going  
23 on?

24 A. Yes, absolutely.

25 Q. Okay. You mentioned earlier that HSI handles

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1 international cases?

2 A. Yes, we do. We have 93 offices in 56  
3 countries.

4 Q. And have you been involved in other cases  
5 involving similar India-based fraud schemes?

6 A. Yes, sir.

7 Q. We've looked at these dollar bills a handful of  
8 times. In your training and experience working on  
9 India-based fraud schemes, is that something you've  
10 seen before?

11 A. Yes, I have.

12 Q. So let's start by talking about immigration.  
13 Under what circumstance can a non-citizen enter the  
14 United States?

15 A. They can enter through multiple ways. They can  
16 enter through by being granted a visa, a  
17 non-immigrant visa or immigrant visa. They can  
18 come into the country illegally or through parole  
19 or deferred inspections. There are many ways to  
20 enter the United States.

21 Q. Okay. So when it comes to statuses, you can  
22 have a visa or some other lawful status?

23 A. Correct.

24 Q. And where can non-citizens enter the country?

25 A. They can enter the country through any port of

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1 entry such as an airport or the border.

2 Q. And not just anywhere on the border but  
3 specific authorized points of entry?

4 A. Correct.

5 Q. And why do they need to go through a specific  
6 authorized point of entry?

7 A. Can you repeat that?

8 Q. Why do they have to go through one of these  
9 authorized entry points?

10 A. They have to be inspected by an immigration  
11 officer and be admitted into the U.S.

12 Q. Okay. And is part of that process checking to  
13 see if they have a visa or a lawful status?

14 A. Correct.

15 Q. Okay. Are records kept of the non-citizens who  
16 enter the country through an authorized entry  
17 point?

18 A. They are, yes.

19 Q. Are you able to access those records?

20 A. Yes, I am.

21 Q. Are they searchable?

22 A. They are, yes. When you enter the United  
23 States, illegally or legally, there is a -- it's a  
24 file system. You get assigned an alien  
25 registration number, also known as A number, which



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1 records all the entry -- which basically records  
2 all your immigration status all the way from entry  
3 ultimately to when you gain citizenship to the  
4 U.S.

5 Q. So when Edwardsville Police Department reached  
6 out to you about this case, did you check Nirav  
7 Patel's immigration status?

8 A. I did.

9 Q. Did you find that he had any record of a visa  
10 or lawful status in the United States?

11 A. No, he did not.

12 Q. Did you find any record of entry through an  
13 authorized point of entry?

14 A. No, he did not.

15 MR. REED: If you could show the witness  
16 Government's Exhibit 4, and we'd move to admit  
17 Government's Exhibit 4 as a certified public  
18 record.

19 MS. FRETER: No objection.

20 THE COURT: 4 is admitted without  
21 objection.

22 (Government's Exhibit No. 4 was received  
23 in evidence.)

24 MR. REED: Go down to page 2.

25 BY MR. REED:

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1 Q. All right. What is this document called?

2 A. This document is a Certificate of Non-  
3 Existence of Record.

4 Q. And in Paragraph 2 -- if we could look at that  
5 briefly -- what does it say here?

6 A. This says that Citizenship and Immigration  
7 Services maintains centralized records relating to  
8 immigrant aliens who entered the United States on  
9 or after June 30, 1924, to non-immigrant aliens who  
10 entered on or after June 30, 1948, and a  
11 centralized index of all persons naturalized on or  
12 after September 27, 1906.

13 Q. This is the record system you were talking  
14 about?

15 A. Correct.

16 Q. Okay. Paragraph 4, it's just a formal document  
17 stating what you said earlier, that nothing was  
18 found?

19 A. Correct. There is no record -- there's no  
20 alien registration number found for Mr. Patel.

21 Q. Okay. Are you also able to look through that  
22 -- the database in other ways? Fingerprints?

23 A. Oh, correct.

24 Q. Facial recognition?

25 A. Facial recognition, biometrics, name and date

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1 of birth.

2 Q. Did you do those things here?

3 A. I did, yes. I ran Mr. Patel's fingerprints  
4 through our system, and I was not able to find  
5 anything.

6 Q. Did you ask Mr. Patel about his immigration  
7 status when you interviewed him later in June of  
8 2022?

9 A. I interviewed him in June 2023.

10 Q. June of 2023, thank you, ma'am. I appreciate  
11 the correction.

12 You interviewed him in June of 2023?

13 A. I did.

14 Q. Thank you.

15 Did you ask him about his immigration  
16 status?

17 A. I did.

18 Q. What did he say?

19 A. He stated that he entered the country illegally  
20 by crossing the border from Vancouver into  
21 Seattle.

22 Q. And again, that interview was in June of  
23 2023?

24 A. Correct.

25 Q. Did he say when he had entered the country from

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1 Vancouver into Seattle?

2 A. I recall he stated that he entered the country  
3 on or about a year and a half prior to the  
4 interview, which would have been on or around  
5 January of 2022.

6 Q. Did he say anything about the weather when he  
7 crossed over from Vancouver to Seattle?

8 A. He stated that there was a lot of floods during  
9 that time, a lot of rain, a lot of floods in  
10 Vancouver, and I corroborated that through Open  
11 Search, and there were -- in fact, there were a lot  
12 of rain and floods in Vancouver at that time.

13 Q. January of 2022?

14 A. Correct.

15 Q. Next topic. We left off with Detective  
16 Seubert -- or, I'm sorry, Detective Hoyland with  
17 Edwardsville with Nirav Patel in custody; is that  
18 right?

19 A. Correct.

20 Q. Did he stay in custody there?

21 A. No, he did not.

22 Q. What happened?

23 A. He was released.

24 Q. On bond?

25 A. On bond, correct.

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1 Q. Was law enforcement able to connect that  
2 Illinois case with cases in other states?

3 A. Yes, they were.

4 Q. Was he later charged in this case?

5 A. He was, yes.

6 Q. And a warrant issued for his arrest?

7 A. Correct.

8 Q. Did you go to the address that was on his ID?

9 A. I did. We conducted surveillance on addresses  
10 related to Mr. Patel, and we could not locate  
11 him.

12 Q. Was he eventually arrested?

13 A. He was, yes.

14 Q. And June 2023, when was that?

15 A. When he was arrested?

16 Q. June 28, 2023?

17 A. June 28, 2023.

18 Q. Okay. And where did that happen?

19 A. That happened in Schaumburg, which is a suburb  
20 close to Chicago.

21 Q. How did you learn about that arrest?

22 A. Schaumburg Police Department called me to  
23 confirm the active warrant. They have -- when I  
24 entered the warrant into NCIC, the responding  
25 agency has to confirm the warrant, in which they

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1 called me, they confirmed his name and date of  
2 birth, which I confirmed that was the right  
3 suspect, and that's how they were able to detain  
4 him.

5 Q. Okay. At the beginning of the interview we'll  
6 listen to and watch, there's a reference to you  
7 talking to Mr. Patel about 30 minutes before that  
8 interview. What was that about?

9 A. Schaumburg Police Department had difficulty  
10 speaking with Mr. Patel due to the language barrier  
11 in which they asked me if I could place him -- or I  
12 could read him his *Miranda* rights over the phone in  
13 Hindi.

14 Q. Did you -- did he understand what you had to  
15 say?

16 A. Fluently, yes.

17 Q. And did you re-Mirandize him --

18 A. I did.

19 Q. -- when he got -- when you got there?

20 A. I did, yes.

21 Q. Was that the same day?

22 A. Yes, it was.

23 Q. Did you ask him if he knew Hindi?

24 A. I did.

25 Q. What did he say?

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1 A. He said yes.

2 Q. And that's on that earlier phone call?

3 A. Yes, that was on the phone call, correct.

4 Q. So before we get to that interview, I want to  
5 ask you about a few things that will come up in  
6 that interview.

7 In Patel's phone there's a contact he  
8 listed as Danny. Do you remember that?

9 A. Correct.

10 Q. When you interviewed Patel, who did he say that  
11 Danny was?

12 A. First he stated that Danny was a cousin; then  
13 later on in the interview, he stated that he is  
14 like a friend of mine; and then, later in the  
15 interview again, he stated that he is a distant  
16 cousin.

17 Q. Did Patel say that Danny was involved in this  
18 fraud as well?

19 A. He did.

20 Q. Were you able to find this Danny?

21 A. I was, yes.

22 Q. Okay. What is Danny's full name?

23 A. Danny's full name is Dinesh Patel.

24 Q. And did Danny say where -- or, I'm sorry, did  
25 Nirav Patel in the interview say where Danny

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1 lived?

2 A. Yes. He stated that Danny lives in Atlanta,  
3 Georgia.

4 Q. Is that somewhere where Nirav Patel had also  
5 lived?

6 A. Correct.

7 Q. Were you able to confirm whether Dinesh Patel  
8 lived in Atlanta like Nirav Patel said?

9 A. He did.

10 Q. And the phone number for Danny in Patel's  
11 phone, did it go back to Dinesh Patel?

12 A. It did.

13 Q. Did you fly out and interview Dinesh Patel?

14 A. I did.

15 Q. Is there still an open investigation against  
16 Danny?

17 A. There is.

18 Q. During that interview, does Patel give a name  
19 for this "Pickup" number that was on his phone in  
20 Edwardsville?

21 A. Just to clarify, Nirav Patel?

22 Q. I apologize again. Thank you for the  
23 clarification.

24 Nirav Patel, is he asked about this  
25 "Pickup" contact that's in his phone?



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1 A. He does, yes.

2 Q. Who does he say that that is?

3 A. He claims that that is an individual named  
4 Bharat.

5 THE DEFENDANT: Bharat.

6 BY MR. REED:

7 Q. And when you went and spoke with Dinesh Patel,  
8 what did he say? Did he offer that same name?

9 A. He did, yes. Towards the end of the interview,  
10 he also claimed that there was a Bharat involved.

11 MS. FRETER: Just to go back, you said  
12 when you spoke with Dinesh Patel?

13 MR. REED: When she spoke with Dinesh  
14 Patel, yes, ma'am.

15 MS. FRETER: Not Nirav Patel?

16 MR. REED: Yes, ma'am.

17 BY MR. REED:

18 Q. They both identified -- both Nirav Patel and  
19 Dinesh Patel identified a Bharat --

20 A. Correct.

21 Q. -- as being involved?

22 A. Yes.

23 Q. And that's the name behind that contact that is  
24 saved as "Pickup"?

25 A. Yes.

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1 Q. Okay. So he corroborated what Nirav Patel said  
2 in his interview to you?

3 MS. FRETER: Objection, Your Honor.  
4 Hearsay.

5 THE COURT: Okay. Your objection is  
6 hearsay?

7 MS. FRETER: Yes, Your Honor.

8 THE COURT: And response?

9 MR. REED: Judge, it's not for the truth  
10 of the matter. I'm just asking if they used the  
11 same name.

12 THE COURT: Well, is Danny alleged to be a  
13 coconspirator?

14 MS. FRETER: Your Honor, can we approach?

15 (Sidebar proceedings on the record.)

16 MS. FRETER: Your Honor, if the Government  
17 is going to get into coconspirator statements, they  
18 didn't provide an 801(d)(2) notice. We didn't have  
19 a *Santiago* hearing. We haven't done any of that  
20 work in order to get coconspirators in that we  
21 would have needed to do before the trial started,  
22 and so I would object at this point. It's already  
23 out because of the miscommunication that I heard  
24 when we were having a difference between Nirav and  
25 Bharat Patel, so this statement is already out, but

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1 I'll object to all future statements.

2 MR. REED: I don't have anything else on  
3 this, Judge. I think it comes in simply -- it's  
4 not hearsay. It was not asked originally for the  
5 truth of the matter asserted.

6 THE COURT: Well, you have her testifying  
7 that in an interview with the defendant he  
8 identified a Bharat as someone that's involved. So  
9 that's -- I don't know how prejudicial it is, but  
10 you're moving on from this?

11 MR. REED: I'll move on, Judge.

12 Judge, we're fine having stricken -- do we  
13 want to just take out the question about Bharat?

14 MR. WEINHOFET: We're fine with sustaining  
15 the objection and striking that answer just to be  
16 on the safe side.

17 MS. FRETTER: I'm not asking for that  
18 relief, Judge. I prefer not to highlight it.

19 MR. WEINHOFET: Okay. That's fine.

20 MS. FRETTER: I misheard the difference  
21 between Bharat and Nirav. It's already out there  
22 in front the jury. I'm objecting going forward.  
23 They said we're moving on, move on.

24 MR. WEINHOFET: Perfect resolution.

25 THE COURT: All right.

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1 (End of proceedings at sidebar.)

2 BY MR. REED:

3 Q. Okay. Ma'am, when you interviewed Nirav Patel  
4 in Schaumburg, was the room audio-video recorded?

5 A. It was.

6 Q. Did Schaumburg Police Department tell you that  
7 the audio recording in that room might be a little  
8 muffled?

9 A. Yes. They informed me that the audio recorder  
10 for their interview room was malfunctioning on that  
11 day. So I placed my agency-issued recorder on the  
12 table.

13 MR. REED: Okay. Government's Exhibit 5  
14 for the witness.

15 BY MR. REED:

16 Q. Have you listened to this Exhibit 5 before?

17 A. I have.

18 Q. Is it a true and accurate recording of the  
19 interview on June 28?

20 A. Yes.

21 MR. REED: Move to admit Government's  
22 Exhibit 5.

23 MS. FRETER: No objection.

24 THE COURT: Admitted without objection.

25 (Government's Exhibit No. 5 was received

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1 in evidence.)

2 BY MR. REED:

3 Q. Ma'am, when we watch this interview, who is  
4 initially in the room with Nirav Patel?

5 A. That is Special Agent Maslanka and Special  
6 Agent Considine (ph.).

7 Q. Why did you initially sit out?

8 A. I wanted to see if Mr. Patel was able to  
9 understand, comprehend English. When I realized  
10 that he couldn't, I went in to translate.

11 Q. And specifically the *Miranda* warnings?

12 A. Correct, correct.

13 Q. During this interview, what language is Nirav  
14 Patel primarily speaking?

15 A. Hindi.

16 Q. And also some English?

17 A. Correct.

18 Q. Okay. What language are you speaking to  
19 Mr. Patel?

20 A. Hindi.

21 Q. Based on his answers and his body language, did  
22 he seem to understand you?

23 A. Yes.

24 Q. Could you understand him?

25 A. Yes.

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1 Q. No problems understanding him?

2 A. No. The interview was two hours long, and he  
3 did not mention once that he was not able to  
4 understand me or comprehend what I was asking  
5 him.

6 Q. And when the agents initially read him his  
7 *Miranda* rights in English, does he indicate that  
8 he's having trouble understanding some of those  
9 concepts?

10 A. He does. He tells Special Agent Maslanka very  
11 little English at that point that they called me in  
12 to translate.

13 Q. Did he ever say anything like that to you about  
14 Hindi?

15 A. He did not.

16 Q. All right. So at some point near the very end  
17 of this exhibit, we lose the video. What's going  
18 on there?

19 A. I believe Schaumburg Police Department turned  
20 the video recording off. At that point the audio  
21 recorder was still ongoing.

22 Q. Okay. So when we lose the visual, the audio is  
23 going to come from that recorder on the table?

24 A. Correct.

25 Q. And the video that we do see, that's coming

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1 from overhead? That's Schaumburg's?

2 A. Correct.

3 Q. And during the course of this recording, are  
4 there times where snippets are harder to hear?

5 A. Yes.

6 Q. Okay. And I think you heard that the  
7 translator referred to them as UI, or  
8 unintelligible, on the transcript?

9 A. Yes.

10 Q. But you were present in the room, right?

11 A. I was, yes.

12 Q. During any of those times were you having any  
13 trouble understanding what Nirav Patel was saying  
14 in Hindi?

15 A. No.

16 Q. And did he seem to be having any trouble  
17 understanding what you were saying in Hindi?

18 A. No.

19 Q. All right. Finally, for presentation purposes  
20 today, you can see this on the screen, does this  
21 version of Exhibit 5 that we'll play in court have  
22 Ms. Kesar's translated transcript kind of closed  
23 captioned at the bottom?

24 A. It does.

25 MR. REED: So that's all the questions I

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1 have for you right now. We're going to go ahead  
2 and play the recording from the start.

3 THE COURT: Okay. How long is this  
4 recording?

5 MR. REED: It is quite lengthy, Judge.  
6 It's about -- let's see here, about two hours, but  
7 there is maybe 15 minutes that we'll cut out.

8 THE COURT: All right. We'll just go  
9 until lunchtime.

10 MR. REED: All right. It's going to take  
11 a second here.

12 (The video was played at this time.)

13 THE COURT: All right. It's quarter to  
14 twelve. The jurors' lunches have arrived. Why  
15 don't we -- we'll break here. Back it up two  
16 minutes just to refresh the jurors' recollection  
17 when they come back from lunch. And is 45 minutes  
18 going to be enough, or does anybody need more time  
19 than that?

20 Okay. We will recess for lunch. We'll  
21 come back at 12:30.

22 (Lunch recess at 11:46 a.m. until  
23 12:33 p.m.)

24 (Jury present.)

25 THE COURT: All right. When we recessed,



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1 we were in the middle of watching the interview --  
2 recorded interview with Mr. Patel. We can start  
3 where we left off, or you can back it up a minute  
4 or two.

5 (The video was played at this time.)

6 MR. REED: Judge, at this time, we would  
7 like to skip ahead five minutes until the agents  
8 come back in the room.

9 (The video was played at this time.)

10 MR. REED: Judge, at this time, we'd like  
11 to move forward to the other side of this phone  
12 call.

13 (The video was played at this time.)

14 MR. REED: Judge, at this time, we'd pass  
15 the witness.

16 THE COURT: Do you guys want a quick  
17 break? Seems like they want to hear your  
18 questions.

19 MS. FRETER: I hope I'm worth the skipped  
20 break.

21 **CROSS-EXAMINATION**

22 BY MS. FRETER:

23 Q. Special Agent?

24 A. Yes, ma'am.

25 Q. Okay, great. And so the other two gentlemen

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1 that we saw on the tape, those are -- in addition  
2 to Mr. Patel, those were also special agents; is  
3 that right?

4 A. Correct.

5 Q. And what agency are they with?

6 A. They were with HSI as well.

7 Q. HSI?

8 A. Correct.

9 Q. And they were -- they're located, stationed in  
10 Chicagoland, Schaumburg area?

11 A. Chicago, correct.

12 Q. And to sort of back up a little bit, before --  
13 when you're doing this interview in Schaumburg,  
14 it's in June of 2023; is that right?

15 A. Correct.

16 Q. You have some information about the  
17 investigation and what's happened before you step  
18 into the room; is that right?

19 A. Correct.

20 Q. And in this instance, you're sort of playing a  
21 dual role? You're both an agent, right?

22 A. Correct.

23 Q. And you're also sort of acting, sort of, as an  
24 interpreter; is that right?

25 A. As an interpreter, yes.

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1 Q. You're not a court-certified interpreter?

2 A. No.

3 Q. And in the course of this -- and you can see  
4 from the transcript, you're not translating word  
5 for word what Mr. Patel is saying back to the other  
6 special agents?

7 A. I was conveying the meaning of what was being  
8 said.

9 Q. And there's times where Mr. Patel may talk and  
10 then you talked at him, and you guys go back and  
11 forth and have an exchange, a volley of  
12 conversation, and then after maybe five or six  
13 times, then you might repeat, sort of, the general  
14 gist of that back to the other agents in the  
15 room?

16 A. Correct.

17 Q. Which is different than maybe, say, here in  
18 court where they're doing every single word that's  
19 getting talked about?

20 A. Correct.

21 Q. And part of that is because you were also  
22 acting as an agent in addition -- you're not just  
23 an interpreter in that room?

24 A. Correct.

25 Q. And so before you go to the room, did you guys

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1 decide -- who is the decision maker of you three  
2 special agents in this group?

3 A. It was a joint decision by all three of us.

4 Q. Okay. And so before you guys go into the room,  
5 you guys decided the two guys are going to go in,  
6 you're going to hang back and see how his English  
7 is?

8 A. Correct.

9 Q. And then also, before you guys go into the  
10 room, you had information about the previous stops  
11 in this case?

12 A. Correct.

13 Q. And you had -- had you guys looked through the  
14 phone or seen reports from the phone before?

15 A. I reviewed the extractions.

16 Q. Okay. And so we've heard about two different  
17 extractions in this case: one from Madison County  
18 in Illinois and then one from the phone in  
19 Wisconsin. Which one had you looked at or both?

20 A. There was a joint report by Detective Hoyland  
21 that -- which he sent me. I reviewed that report  
22 which had both of the information from the  
23 extractions on that report.

24 Q. And Detective Hoyland, again, is from Madison  
25 County, Edwardsville, here?

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1 A. Correct.

2 Q. And he had sent you a report, and you and the  
3 other special agents -- and I -- one with an M and  
4 Constantine (ph.)?

5 A. Considine (ph.) and Maslanka.

6 Q. Okay. The two other guys in the room had  
7 looked at all of that information before you went  
8 to go talk to Mr. Patel?

9 A. Only I had reviewed the report. They had not.  
10 They were assisting me in doing the interview and  
11 the transport into federal custody.

12 Q. Okay. So then I sort of misunderstood a little  
13 bit. When you say assisting you in the transport,  
14 is that because there was a federal warrant out for  
15 Mr. Patel?

16 A. Correct. He was technically at Schaumburg  
17 Police Department. He needed to be remanded into  
18 the Marshals' custody.

19 Q. And is that relative to this case?

20 A. Correct.

21 Q. And so this is in June. Mr. Patel got arrested  
22 in April in Madison County after he was at  
23 Ms. Bryan's house; is that right?

24 A. Correct.

25 Q. And we watched that tape yesterday?

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1 A. Correct.

2 Q. And then he was kept in the Madison County jail  
3 for a period, he said on the tape, for 21 days; is  
4 that right?

5 A. Correct.

6 Q. And you were aware of that before you did this  
7 interview?

8 A. Correct.

9 Q. And you knew that he was brought to court in  
10 Madison County on charges, he was arraigned, he was  
11 given a public defender there, right?

12 A. Correct.

13 Q. And that case was pending still when you talked  
14 to him in June?

15 A. Correct.

16 Q. In fact, that case is still pending?

17 A. Correct.

18 Q. And so when you go to talk to Mr. Patel, first  
19 you talk to him on the phone; is that right?

20 A. Correct.

21 Q. Because you're -- I didn't understand exactly.  
22 You said that the Schaumburg special agents needed  
23 help with *Miranda*? Why did you talk to him on the  
24 phone first?

25 A. So what happens is when a police department

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1 takes someone into custody on a federal arrest  
2 warrant, they have to confirm with NCIC whether the  
3 person that they have in custody --

4 Q. I've got to get you to slow way down. Between  
5 the court reporter --

6 A. Okay.

7 Q. -- and the interpreters.

8 A. I apologize.

9 Q. It's okay.

10 A. When a federal arrest warrant needs to be  
11 confirmed, the police department will call NCIC to  
12 confirm the suspect that they have in custody is a  
13 correct -- is an accurate suspect on the arrest  
14 warrant, which is why they called me, and they also  
15 called the Law Enforcement Support Center, the  
16 LESC, to confirm that the person they had in  
17 custody at that time, in fact, was the accurate  
18 subject on the federal arrest warrant.

19 Q. Okay. And so I want to just sort of make this  
20 clear. Mr. Patel gets arrested in Madison County.  
21 He gets a lawyer. Stays in Madison County. They  
22 release him on bond; is that right?

23 A. Correct.

24 Q. He goes back up north to the Aurora,  
25 Chicagoland area, right?

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1 A. Correct.

2 Q. And that's in Aprilish or early May. Between  
3 then and June when we see this interview, a federal  
4 arrest warrant is issued for Mr. Patel?

5 A. Correct.

6 Q. And you -- special agents don't go pick him up.  
7 The local Schaumburg Police Department does?

8 A. It just happened that they saw his vehicle. I  
9 believe his license plate had an alert, and they  
10 noticed that there was a federal arrest warrant on  
11 that license plate, the maroon Nissan Altima, with  
12 Delta, Quebec, 9947, I believe.

13 Q. And just to stop you, that's the same car we've  
14 talked about brown or maroon in this case?

15 A. Correct.

16 Q. Okay. And so they see there is an arrest  
17 warrant, they look at NCIC, someone calls you to  
18 verify, and that's when you're on the phone to give  
19 him *Miranda*?

20 A. Correct.

21 Q. And so how long between that time and then the  
22 time that you speak with him with the other special  
23 agents?

24 A. It was about three hours.

25 Q. Okay. So short period of time?



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1 A. Correct.

2 Q. Okay. But at that point you know he's got a  
3 lawyer here in Madison County, right?

4 A. I don't recall that information.

5 Q. Well, you knew he had been to court?

6 A. Yes.

7 Q. And you knew the case was pending?

8 A. Yes.

9 Q. And so when you read a *Miranda* on the phone,  
10 it's messy enough that you guys decide you're going  
11 to wait until the special agents are there to talk  
12 to him instead of Schaumburg Police Department?

13 A. No, ma'am. I don't believe it was messy. The  
14 reason I wanted to wait until we got there is  
15 because I had the information about the case, and I  
16 wanted to interview him.

17 Q. Okay. Because you are investigating the  
18 federal arrest warrant --

19 A. Correct.

20 Q. -- not the Schaumburg --

21 A. Correct.

22 Q. -- Police Department?

23 A. Correct.

24 Q. Okay. So then -- if we could -- oh, I didn't  
25 do that.

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1                   You give him *Miranda* warnings? You tell  
2 him that he has a right to an attorney, right?

3 A. Correct.

4 Q. You don't say that you can call your lawyer  
5 that you got in Madison County?

6 A. Correct.

7 Q. And you do not call that lawyer in Madison  
8 County?

9 A. No, I do not.

10 Q. And after you say, you know, you don't have to  
11 answer questions now -- at the end of that, you  
12 say, Do you understand; is that right -- or no,  
13 that's -- sorry. Let me get to you.

14                   You tell him it's not necessary that you  
15 have to give an answer to every question without a  
16 lawyer, right?

17 A. Correct.

18 Q. And then you say to him, Just sign your name  
19 here; is that right?

20 A. Yes. Print your name and sign.

21 Q. You don't say, Do you understand that you're  
22 waiving your right to lawyer?

23 A. I believe I said, Do you understand what I've  
24 said to you? I'm sorry. I don't have the  
25 transcript on here.

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1 MS. FRETER: Okay. And so if we can go to  
2 my computer and -- just for the witness.

3 THE WITNESS: Yes, it says --

4 BY MS. FRETER:

5 Q. Wait. Hang on. Would looking at a transcript  
6 help refresh your recollection?

7 A. Yes.

8 Q. And so --

9 THE COURT: Let's do this: We've been  
10 going at it for a little while. I want to give the  
11 court reporter a break. So I know you've got more  
12 questions. This might be a good place to take a  
13 break. Let's take ten minutes, and we'll come  
14 back.

15 (Jury out at 1:46 p.m.)

16 THE COURT: Counsel, approach.

17 Let the record reflect the jury is not in  
18 the courtroom. The question of whether a search  
19 and seizure or a confession is proper or improper  
20 is a question of law for the Judge, not for the  
21 jury.

22 So where are we going with this? Is  
23 there -- where are we going with this?

24 MS. FRETER: Sure, Judge. So in the -- I  
25 may be more familiar with the transcript,

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1 obviously, than the Court is because the Court just  
2 saw it today; but in the course of this  
3 conversation, there are things that come up between  
4 the agents and Mr. Patel where it is clear, if you  
5 have an understanding that he has been to Court and  
6 he has a pending case, that he's talking about the  
7 Madison County thing.

8 THE COURT: That's correct.

9 MS. FRETER: So when he says, I didn't  
10 open the box, and I didn't do this, and I learned  
11 that this was money laundering, and all of those  
12 other kind of things -- when you have an  
13 understanding that he's already been presented to a  
14 judicial officer who said, You are charged with a  
15 crime, his statements make sense in that context as  
16 opposed to, I have just arrested you off the  
17 street, and I'm having you make this statement, and  
18 you're confessing now to money laundering, and  
19 you're admitting that you know that you did all of  
20 these things wrong when you haven't been told by a  
21 court of law or a lawyer or a prosecutor in a prior  
22 proceeding, You're now charged with this offense.

23 I didn't move to suppress the statement  
24 because they talked to him without a lawyer.  
25 There's a lot of reasons why I didn't do that,

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1 because there's not an argument that -- I didn't  
2 move to suppress it, and --

3 THE COURT: And I know and that's why --

4 MS. FRETER: And I have good reasons why,  
5 but it's important to set the scene of this  
6 statement being made in June when he has already  
7 been to court, and he already has a lawyer; and how  
8 they're conducting -- and just the questions that  
9 they ask him and the miscommunication that happens  
10 based on where he's sitting, right; and this agent  
11 has testified she didn't know he had a lawyer; and  
12 I don't have any reason to doubt that; but if that  
13 was her belief at the time, it certainly colors how  
14 they asked questions of him to go to -- this agent  
15 says to him --

16 THE COURT: I follow you.

17 MS. FRETER: Yeah.

18 MR. REED: Judge, we're way past, Did you  
19 have an understanding and how, that was several  
20 questions ago, and I don't know why we --

21 THE COURT: I think it's proper to put in  
22 context that when he's saying some of these things,  
23 he already appeared before a judge in Madison  
24 County who has conveyed to him information about  
25 his charges. He's been arraigned -- was he

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1 arraigned?

2 MS. FRETER: He was arraigned and had an  
3 interpreter, the whole deal. They cut him loose on  
4 bond and off he went, and I was done with this  
5 section and was going to go on to the next.

6 MR. WEINHOFET: This issue of what  
7 Mr. Patel knows, doesn't know, what he has been  
8 exposed to or anything else in Madison County, this  
9 witness doesn't know.

10 THE COURT: But it seems reasonable that  
11 the defense argues that the "money laundering"  
12 phrase wasn't something I came up with in  
13 conversations with Danny and KKT; it was something  
14 that a judge in Madison County told me or a lawyer  
15 representing me.

16 MR. WEINHOFET: He said where that came  
17 from on the transcript. He does say on the  
18 transcript -- they asked him, How do you know it's  
19 money laundering; and he said he was told that, and  
20 he was either told that by Danny or by the police,  
21 and so we -- it's clear --

22 THE COURT: That's different.

23 MR. WEINHOFET: Yeah.

24 THE COURT: That's different than, We  
25 charged you, you have a lawyer, and I don't know

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1 who charged him in Madison County.

2 So you are moving on with this witness  
3 then?

4 MS. FRETER: She answered she didn't know.  
5 We were going to go on to the next topic.

6 THE COURT: Let's take a break. I will --  
7 certainly, it's an appropriate area for inquiry,  
8 appropriate to argue the context of some of this  
9 stuff.

10 MS. FRETER: Judge, not to get ahead of  
11 ourselves, I did want to ask the Court to add a  
12 little bit to its admonishment to the jury. The  
13 Belleville News-Democrat is reporting that a  
14 different gentleman who happens to have the name  
15 "Patel" has been arrested with stealing gold from  
16 somebody.

17 MR. WEINHOFET: There was a press release  
18 out of Columbia PD that was on Facebook. Somebody  
19 sent it to me just as an FYI, and it is a person,  
20 last name Patel, scam involved picking up gold.

21 MS. FRETER: And so I don't want to make  
22 it a big -- I mean, there's lots of cases with lots  
23 of publicity --

24 THE COURT: A cousin to brother-in-law to  
25 auntie.

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1 MS. FRETER: And this is just very bad  
2 timing. I'm sure the jury will respect the Court's  
3 general admonishment, but if you could add a little  
4 extra about --

5 THE COURT: If you draft something up,  
6 because I didn't see it. I don't read the  
7 News-Democrat anymore.

8 MS. FRETER: Not to bring it up, just an  
9 extra little bit about, you know, this includes TV  
10 and newspaper and just a little extra emphasis on  
11 that.

12 THE COURT: Okay. We'll do that.

13 MR. WEINHOEFT: What time are we back,  
14 Your Honor?

15 THE COURT: We -- how long do you need?  
16 Ten minutes?

17 MR. WEINHOEFT: Ten minutes.

18 THE COURT: We'll come back at two.

19 (Recess at 1:53 p.m. until 2:08 p.m.)

20 (Jury present.)

21 THE COURT: All right. We are still with  
22 cross-examination of this witness.

23 Ma'am, you are still under oath.

24 BY MS. FRETER:

25 Q. Okay. We were at the point, you were looking,



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1 just for the witness -- you were refreshing your  
2 recollection with the transcript of the  
3 interview?

4 A. Correct.

5 Q. Okay. And so does it refresh your recollection  
6 that you said, Just print your name, and he said --  
7 and you had him sign it; is that right?

8 A. Yes. I asked him if he understood what I  
9 said.

10 Q. After you already had him sign it?

11 A. I don't know if it was simultaneously or after.  
12 I don't remember.

13 Q. And so the tape would be really the best  
14 representation of that, right?

15 A. Yes.

16 Q. And if it says on the transcript you said, Just  
17 print your name here, and then you have some other  
18 conversation with him, that's reflected in the  
19 transcript also where you say sign, Did you  
20 understand what I explained? Do you remember  
21 saying that to him?

22 A. I do remember saying it. I just don't know if  
23 it was at the time he was signing it or if it was a  
24 couple seconds after or before.

25 THE COURT: Pardon me, sir, in the back of

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1 the courtroom, you can sit in here if you wish, but  
2 you can't sit in here and look at your cell phone,  
3 all right? If you want to look at your cell phone,  
4 you can look at it outside.

5 Please proceed.

6 BY MS. FRETER:

7 Q. And then we've just seen the interview. It  
8 goes on for a long time. Two hours, right?

9 A. It does.

10 Q. And is it fair to say -- would you categorize  
11 it that Mr. Patel was not easy to talk to?

12 A. No, I would definitely say he was not easy to  
13 talk to.

14 Q. He was frustrating to you?

15 A. Yes.

16 Q. He was frustrating to the other agents?

17 A. Yes.

18 Q. The conversation would go -- everybody was sort  
19 of talking all over, on top of each other for a  
20 while; is that right?

21 A. Yes, I would say so. There were a couple times  
22 where I was translating and Mr. Patel was talking  
23 over me and it was just -- yes.

24 Q. This was not a situation -- even when you're  
25 acting solely in the role of an interpreter where

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1 he would talk, you would interpret, maybe the other  
2 agents would speak, and then it would proceed in an  
3 orderly fashion? It didn't go like this?

4 A. Correct.

5 Q. It was just sort of a -- I don't know. It was  
6 a difficult conversation, I guess, is how I  
7 categorize it.

8 So it's hard -- in the context of this  
9 interview, if we just take the part about the  
10 family relationships and who is related to who and  
11 what sister-in-law or cousin, that was very  
12 confusing to both you and the other agents?

13 A. Yes.

14 Q. And at that point in the interview, Mr. Patel  
15 is giving you information about the names of these  
16 people, right?

17 A. Yes.

18 Q. And where they live?

19 A. Yes.

20 Q. But the -- it was difficult to figure out who  
21 is related to who and how; is that right?

22 A. I think it came across that way when I was  
23 trying to translate back to the agents, but I  
24 understood what he was saying and who was referring  
25 to and what relationship he was referring to.

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1 Q. Okay. And is this -- and I don't know if it's  
2 a Mr. Patel thing or if it's a language thing or if  
3 it's a cultural thing. Do people sometimes refer  
4 to other people as their cousins or their relations  
5 or their sisters even if they're not blood  
6 relation?

7 A. Yes, they do, which is why I reminded Mr. Patel  
8 in the beginning of the interview that even though  
9 him and I understand due to a cultural similarity,  
10 the agents might not understand that, so if he  
11 could clarify the actual relationship, whether he  
12 was related to them by marriage or blood or if they  
13 were just strictly friends.

14 Q. And this -- whether it's just a cultural thing  
15 or a colloquialism, we see that happen in terms of  
16 when you talked about your dad and the "mama  
17 sitting" as a reference to a police officer, right?

18 A. Yes.

19 Q. So no one is actually saying it's your mother,  
20 right?

21 A. Correct.

22 Q. Or I think they had it translated yesterday --

23 A. Maternal uncle.

24 Q. Maternal uncle, right?

25 A. Yes.

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1 Q. It's -- it's even more so this -- they're my  
2 cousin, they're my sister. It's not just slang.  
3 It's just how you refer to familiar people. Is  
4 that fair to say?

5 A. In the Hindi language, we have specific names  
6 for specific relationships. We don't say aunts and  
7 uncles. We have specific names for them if that's  
8 what you mean.

9 Q. I'm not sure. Have you ever heard somebody use  
10 the term "play cousin"?

11 A. No, I'm not familiar with that.

12 Q. Okay. While we're talking about Hindi, which  
13 region of India did you grow up in?

14 A. In Punjab.

15 Q. And do you speak Punjabi?

16 A. I do.

17 Q. And that's similar to the interpreter that we  
18 heard from today?

19 A. Correct.

20 Q. And did you go back through her transcript to  
21 make sure that it was accurate as to the Hindi?

22 A. Yes, I did.

23 Q. And there are -- did you go back through and  
24 make sure that the transcript was accurate as to  
25 what was actually said?

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1 A. Correct.

2 Q. But there are differences between the  
3 transcript and what was said; is that right?

4 MS. FRETER: So by way of example, if we  
5 can show my screen.

6 BY MS. FRETER:

7 Q. This is Government's Exhibit 6, which is the  
8 transcript. Just on this page, this is where you  
9 guys are asking Mr. Patel what his birthday is,  
10 right?

11 A. It says that on the translation; however, I was  
12 not in the room at this time.

13 Q. Okay. But you've looked back through this  
14 transcript?

15 A. Yes.

16 Q. And it says 13th of May, right?

17 A. Yes.

18 Q. And he says the 30th of May?

19 A. Yes.

20 Q. Because that's his birthday.

21 A. That's his birthday, yes.

22 Q. Right. And so whether it's that the translator  
23 couldn't hear right because 13th sounds like 30th,  
24 right --

25 A. Yes.

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1 Q. -- or maybe she translated it wrong? We don't  
2 know the answer to that, right?

3 A. Yes.

4 Q. But that's one discrepancy between the  
5 transcript and what was actually said?

6 A. Yes.

7 Q. And then when you were just following along,  
8 maybe -- I don't know how close you paid attention,  
9 but did you notice other ones like that just now  
10 where maybe you would say something and then it  
11 didn't get transcribed exactly the same way that  
12 you had said it?

13 A. I was listening more to the audio than the  
14 actual English translations.

15 Q. Okay. Fair enough.

16 MS. FRETER: And then we can take this  
17 down.

18 BY MS. FRETER:

19 Q. In dealing with -- you speak Punjabi and Hindi;  
20 is that right?

21 A. Correct.

22 Q. But you don't read the script for Hindi; is  
23 that right?

24 A. No, ma'am.

25 Q. You can read the, I guess I would say, the

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1 printed? I guess, in English, there is printing  
2 and there's cursive, right?

3 A. Yes.

4 Q. And is what I call script, is that sort of like  
5 the cursive version of Hindi, or is it totally  
6 different?

7 A. It's a completely different way of writing  
8 Hindi.

9 Q. Okay. So it's not --

10 A. It's not -- it's not cursive at all. It's just  
11 different characters.

12 MS. FRETER: Okay. So if we can -- sorry,  
13 Jackie -- I'll do better -- if can show my computer  
14 again, and this is Government's Exhibit 51.

15 BY MS. FRETER:

16 Q. We saw this earlier. These are the Google  
17 Translate texts that the officers in Wisconsin used  
18 with Mr. Patel when they were on the scene; is that  
19 right?

20 A. Correct.

21 Q. And the Government asked you on this one, What  
22 does it say? Do you remember that?

23 A. Yes.

24 Q. And asking you what you said in Hindi, you  
25 said, I don't read this --



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1 A. I can't read those characters essentially.

2 Q. But down here -- here is an example. This is  
3 on page 2. It has both the script and it has --  
4 how would you describe this?

5 THE COURT: Phonetic.

6 THE WITNESS: Phonetics.

7 BY MS. FRETER:

8 Q. Phonetic spelling?

9 A. Yes, ma'am.

10 Q. Do people write in Hindi in this phonetic  
11 spelling?

12 A. Yes.

13 Q. Yes, okay. And so people write both ways.

14 A. Yes.

15 Q. You can read one way but not the other?

16 A. Yes.

17 Q. And you don't speak Gujarati at all?

18 A. No, ma'am.

19 Q. Or read it?

20 A. No, ma'am.

21 Q. Did you talk to Mr. Patel about his education  
22 level?

23 A. No, ma'am.

24 Q. In these texts -- sorry.

25 When you're talking to Mr. Patel, you ask

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1 him how many times he's been arrested; is that  
2 right?

3 A. Yes.

4 Q. And he says, One time. Do you remember that?

5 A. Yes.

6 Q. And you say, You're lying. I know you were  
7 arrested in Wisconsin?

8 A. Yes.

9 Q. But you know -- and let me ask it this way:  
10 Did you know then that that wasn't accurate?

11 A. Yes.

12 Q. You knew he wasn't arrested?

13 A. When I said, Have you been arrested, what I  
14 meant was how many times have handcuffs physically  
15 been placed on you, and that was two times.

16 Q. But you used the word, "How many times have you  
17 been arrested," right?

18 A. Correct.

19 Q. When you're talking -- and he said, One time,  
20 and you said, I don't believe you. You're lying.  
21 I know about Wisconsin?

22 A. Correct.

23 Q. Did you know at that time that the officer in  
24 Wisconsin on Google Translate had told him you are  
25 100 percent not under arrest?

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1 A. No, I had not seen that.

2 Q. And so had you known that the officer in  
3 Wisconsin had told him, You are 100 percent not  
4 under arrest, you maybe wouldn't have said, You're  
5 lying; is that right?

6 A. Yes.

7 Q. Or alternatively, you maybe would have  
8 clarified what you are talking about is how many  
9 times have you been in handcuffs versus how many  
10 times have you been arrested?

11 A. Correct.

12 Q. Because an arrest for you as a special agent  
13 has a specific legal meaning to it; is that  
14 right?

15 A. Correct, correct.

16 Q. Laypeople feel differently, maybe, about what  
17 an arrest is?

18 A. Correct.

19 Q. And so when you're talking to Mr. Patel, what  
20 you mean to say is how many times have you been in  
21 handcuffs, but you say arrest?

22 A. Correct.

23 Q. So this is at the beginning of the interview  
24 with him; is that right?

25 A. Yes.

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1 Q. And so you've started off this interview with  
2 you feel -- and it's a difficult interview anyway.  
3 He is not even telling you the truth about how many  
4 times he's been arrested; is that right?

5 A. Correct.

6 Q. And that's going to color the whole rest of the  
7 way that you deal with him in this interview; is  
8 that right?

9 A. Not necessarily.

10 Q. Okay. It's a provable thing? It's a fact  
11 about how many times you've been arrested or not,  
12 right?

13 A. I think it depends on the context. Like we  
14 just --

15 Q. Well, an arrest means a specific thing,  
16 right?

17 A. Right, but to Mr. Patel, it didn't.

18 Q. But to you, as a law enforcement professional,  
19 "arrest" is a very specific thing that -- it's just  
20 a very specific legal thing to you, right?

21 A. Correct.

22 Q. And that to you is provable, right?

23 A. Yes.

24 Q. You run it through a database and people's --  
25 how many times people's names come up, right?

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1 A. Yes.

2 Q. And so in the very beginning, in your mind, it  
3 is a provable fact that he's been arrested in  
4 Madison County and he's been arrested in Wisconsin  
5 and he's a liar, right?

6 A. I don't think I would have called him a liar.

7 Q. You did in the interview though. You said,  
8 You're lying to me. I know you were arrested in  
9 Wisconsin?

10 A. Yes.

11 Q. And you tell him that throughout the whole rest  
12 of the interview to stop lying to me, you're lying  
13 to me. That continues on?

14 A. Correct, because during those times -- in those  
15 specific times, I had reviewed the extractions from  
16 Edwardsville, and I had known how many times he had  
17 been stopped in Madison County and then in Franklin  
18 and then in Merrill, Wisconsin.

19 Q. But in the context of this interview -- and,  
20 again, the tape speaks for itself, right?

21 A. Yes.

22 Q. But how -- the lens through which you view that  
23 interview depends, in part, on context; and so  
24 if -- just like when you're talking, you're using  
25 the word "arrest," but you're thinking about

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1 handcuffs, right? That comes up in other -- that  
2 miscommunication or disconnect comes up other  
3 times. So, for example, in the beginning of the  
4 interview, you guys are talking to him about the  
5 box, right? Did you open the box? You had the  
6 box. Do you remember that part?

7 A. Yes.

8 Q. And in the course of this interview, you guys,  
9 sort of, use, like, boxes or what's going on -- it  
10 seems like, as an English speaker, sort of  
11 interchangeably that you are talking about all of  
12 this stuff together, right? Whether it's boxes in  
13 Wisconsin or boxes in Indiana. It's your  
14 perception that he is going and getting all these  
15 boxes from different places, right?

16 A. I don't believe it was my perception. I knew  
17 that he was getting the boxes from these different  
18 places.

19 Q. But in the beginning of the interview, it could  
20 be read that's just talking about the Madison  
21 County box, right, where he says, I didn't open it.  
22 I didn't open it; is that right?

23 A. I would have to take a look at the transcript,  
24 ma'am.

25 Q. All right. Okay. I'll go to this part first.

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1 Do you remember -- and this is going to be on page  
2 21 in the transcript.

3 Do you remember talking to him about money  
4 laundering? Do you remember that?

5 A. I apologize. It hasn't shown on my screen  
6 yet.

7 COURTROOM DEPUTY: Do you want me to show  
8 it?

9 MS. FRETER: No, not net. I was just sort  
10 of letting Government know where I was at.

11 BY MS. FRETER:

12 Q. Do you remember talking to him about money  
13 laundering?

14 A. I do.

15 Q. Okay. And so when he -- he's bringing up this  
16 term that, like, he knows it's money laundering,  
17 and you guys are asking him, How do you know that  
18 it's money laundering? Do you remember that?

19 A. Yes, I do.

20 Q. And he says, I just learned that from Madison  
21 County. Do you remember that?

22 A. Yes, he does state that.

23 Q. At the time when you're talking to him, does  
24 that make sense to you, that he's just learning  
25 this from Madison County?

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1 A. Could you repeat the question?

2 Q. Sure. Let me rephrase it. When he's talking  
3 about Madison County, that involves -- from the  
4 events, that involves both his arrest and all this  
5 court stuff, right?

6 A. Yes.

7 Q. Okay. And so do you know about the court stuff  
8 when you're interviewing him?

9 A. I know that he was released on bond from  
10 Madison County, yes.

11 Q. Because money laundering is like a specific --  
12 again, it's a specific legal term, right?

13 A. Yes.

14 Q. Does it -- you guys sort of go after him about  
15 that; like, How do you know it's money laundering;  
16 and you kind of drill down into that -- you want  
17 him to talk to you about that term; is that  
18 right?

19 A. Yes, because we know from experience that these  
20 sorts of scams end up associated with some sort of  
21 money laundering, so that's why we asked him about  
22 that and why did he choose that specific term.

23 Q. Right?

24 A. Because it's not something that we brought  
25 up.



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1 Q. Okay. As you sit here now, it's logical to  
2 infer, though, that he could have brought that up  
3 because he's been to court in Madison County,  
4 right?

5 A. Yes.

6 Q. Okay. But you didn't really have that in your  
7 mind at the time you were talking to him; is that  
8 right?

9 A. Yes.

10 Q. And so when you guys hear -- and I don't want  
11 to say "you guys" because I don't want to speak for  
12 the other agents, but you guys sort of acted as a  
13 team? Fair to say, right?

14 A. Yes.

15 Q. And you're all trained sort of the same way?

16 A. Yes.

17 Q. You think kind of the same.

18 When you hear "money laundering," to you  
19 that's a signal -- like that's an official sort of  
20 legal criminal term. Why is this guy who is saying  
21 he doesn't know nothing about nothing talking about  
22 money laundering, right?

23 A. Correct.

24 Q. And it's an indication to you that you feel  
25 like he knows more than what he's saying?

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1 A. Correct.

2 Q. But you don't have in your mind that he's also  
3 been through a court process?

4 A. Correct.

5 Q. Had you known that at the time more fully, it  
6 maybe would have influenced how you talked to  
7 him?

8 A. For that specific topic, yes.

9 Q. And another example of how things get kind of  
10 twisted a little bit, either because Mr. Patel is  
11 talking over you or language, whatever the context  
12 of the interview is, you guys are trying to figure  
13 out who else is involved, right?

14 A. Correct.

15 Q. And you're trying to get names, descriptions,  
16 whatever information you can get, right?

17 A. Yes, ma'am.

18 Q. And at some point he mentioned there is this  
19 guy that had a white van. Do you remember that?

20 A. Yes, ma'am.

21 Q. But it morphs into white men. Do you remember  
22 that?

23 A. Yes, ma'am.

24 Q. And that you say white van but the other agent  
25 says white man, and then you guys get into this

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1 whole, long conversation about white men, right?

2 A. If I understand correctly what you're referring  
3 to, Mr. Patel at that time was speaking about the  
4 white male that he was dropping the packages off  
5 to. Mr. Patel stated that the white male arrived  
6 in a white van.

7 MS. FRETER: Well, okay, so if we could  
8 show the witness and the jury, I guess, this is  
9 back to the transcript, Government's 6, and this  
10 will be on 28.

11 BY MS. FRETER:

12 Q. And I don't understand Hindi, so I can only go  
13 from what the transcript says, but it says on the  
14 transcript that Mr. Patel says, There was this one  
15 guy. He came wearing a cap and had a white-colored  
16 van. And then the agent says, He had a white van?  
17 Mr. Patel says, Yes. And then the other agent  
18 says, White man?

19 Is that right?

20 A. Correct. I just didn't translate back to him  
21 what Mr. Patel had said because I was still  
22 speaking with Mr. Patel about further questions.

23 Q. Right. And so before this portion, though,  
24 there's no description of white guys. It's just  
25 white van, right?

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1 A. Yes.

2 Q. Okay. So it's in this little vignette that  
3 the -- now we're not talking about vans anymore?  
4 Now we're talking about guys, right?

5 A. Which is why I clarified. The next question  
6 is: What was the man like? Was he white or was he  
7 Indian?

8 Q. And we're done with the van; is that right?

9 A. Yes.

10 Q. Okay. I'm not going to go through each one,  
11 but there are other instances of, sort of, this  
12 type of thing just due to the complicated nature of  
13 the interview? Is that fair to say?

14 A. Correct. To be quite frank, ma'am, I didn't  
15 have to translate what Mr. Patel was saying to the  
16 agents. I was only doing that for their comfort  
17 because I was the case agent. I could have had a  
18 conversation with Mr. Patel, and they could have  
19 just sat in the interview room. They didn't have  
20 to know what I was speaking to Mr. Patel about.

21 Q. Right. And that's because you're acting as  
22 both an agent and, sort of, an informal  
23 translator?

24 A. Yes, ma'am.

25 Q. But you don't suggest -- in looking at this

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1 vignette of the transcript, you don't suggest or  
2 insert white guy or white man into this  
3 conversation, right? You don't do that?

4 A. No, I asked Mr. Patel a clarifying question of  
5 who was the man.

6 Q. Well, it's the other agent who brings up man,  
7 right?

8 A. I believe Special Agent Maslanka and I were  
9 speaking at the same time, if I recall correctly,  
10 and even though he was speaking, I was already  
11 asking Mr. Patel the clarifying, such as, What was  
12 the man? Was he white or was he Indian?

13 Q. Which is a different question than, What did  
14 the guy look like?

15 A. Correct.

16 Q. Or what race is the guy?

17 A. Sure.

18 Q. This -- there's additional confusion when you  
19 guys are talking about the phone and who's on the  
20 phone and Danny and "Pickup." Do you remember  
21 that?

22 A. Correct.

23 Q. And at the time when you're talking to  
24 Mr. Patel, do you know that he has saved in his  
25 phone a contact called "Pickup"?

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1 A. Yes.

2 Q. Okay.

3 A. Not in the specific phone, but I had reviewed  
4 the extractions before and he had saved the contact  
5 as "Pickup" in his phone.

6 Q. But, I mean, there's a lot of extraction. I  
7 assume it was a big report, right?

8 A. Yes.

9 Q. And so as you're talking in this conversation,  
10 do you -- I mean, you don't remember every contact  
11 in the phone?

12 A. Correct.

13 Q. Do you remember that there's a contact name  
14 called "Pickup" at this point?

15 A. Yes.

16 Q. Okay. And so when Mr. Patel is talking about  
17 "Pickup," are you -- is it clear in the discussion  
18 whether he's talking about a person named "Pickup"  
19 or he's talking about a pickup, an event?

20 A. The person named "Pickup."

21 Q. In your mind?

22 A. Correct.

23 Q. Okay. I want to ask you about -- you guys go  
24 through with him -- when you're talking about him  
25 taking money out of the packages, he says that he

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1 does it one time; is that right?

2 A. Correct.

3 Q. And you guys say, We don't believe you?

4 A. I believe we had told him that we don't believe  
5 him before he stated that he had taken it only one  
6 time.

7 Q. You guys tell him throughout this interview, We  
8 don't believe you?

9 A. Yes, because he was being evasive.

10 Q. Well, and you also think that he's lying,  
11 right?

12 A. Correct.

13 Q. You think he's lying about getting arrested in  
14 Wisconsin?

15 A. Correct.

16 Q. You think he's lying about all kinds of things,  
17 right?

18 A. Correct.

19 Q. Which he -- but you tell him, You're lying  
20 about being arrested in Wisconsin. He says, No.  
21 You say, Yes. And then he quits on it, right?

22 A. Yes.

23 Q. I mean, there's no way for him sitting there to  
24 prove to you that this guy gave him a text that  
25 said you're 100 percent not under arrest, is there?

KAUR - REDIRECT/REED

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1 I mean, he doesn't have a picture of that with him.  
2 How, in the room, can he prove to you that he's  
3 right and you're wrong?

4 A. I don't understand the question.

5 Q. He is absolutely right that he was not arrested  
6 in Wisconsin?

7 A. Sure.

8 Q. There's no way for him sitting in that room to  
9 prove that to you?

10 A. That's correct.

11 MS. FRETTER: I don't have anything else.

12 **REDIRECT EXAMINATION**

13 BY MR. REED:

14 Q. Agent, let's start with that last question,  
15 arrested versus stopped. What did Nirav Patel say  
16 to clarify that he had been stopped and not  
17 arrested?

18 A. If I recall correctly, I believe he said, The  
19 police stopped me in Merrill -- or Wisconsin.

20 Q. Okay. And so you were able to talk with him  
21 and get on the same page. You both agreed he had  
22 been stopped in Wisconsin --

23 A. Correct.

24 Q. -- the police had talked to him in Wisconsin,  
25 and then he had been let go in Wisconsin?



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1 A. Correct.

2 Q. Okay. Earlier defense counsel asked you about  
3 the word "cousin." Do you recall that --

4 A. Yes.

5 Q. -- when he refers to somebody as a cousin?

6 A. Yes.

7 Q. Cousin comes up a few different times --

8 A. Yes.

9 Q. -- with a few different people?

10 A. Yes.

11 Q. Okay. Danny, or Dinesh, Patel, did Nirav Patel  
12 say that Danny was, in fact, related to him?

13 A. Earlier in the interview Mr. Patel stated that  
14 Dinesh Patel was a cousin, and then sometime later  
15 in the interview he claimed that he was like a  
16 friend, and then later in the interview for a third  
17 time he said Dinesh Patel was a distant cousin, so  
18 he does -- yes.

19 Q. He uses various terms to indicate that he is  
20 related?

21 A. Correct.

22 Q. Okay. Did you feel that Mr. Patel was being  
23 honest with you at the beginning of this  
24 interview?

25 A. No.

KAUR - REDIRECT/REED

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1 Q. And there are lots of reasons for that?

2 A. Yes.

3 Q. What were some of those reasons?

4 A. His body language, his lack of eye contact and  
5 the fact that when he was stopped in Edwardsville  
6 and in Merrill, he was being evasive to the police  
7 officers then as well.

8 Q. Okay. And is it also true that at times later  
9 in the interview he uses a phrase that's  
10 interpreted as "to tell you the truth"?

11 A. Correct.

12 Q. "To be honest"?

13 A. Correct.

14 Q. Indicating he is saying something different?

15 A. Correct.

16 Q. Defense counsel, at times, asked you whether  
17 Nirav Patel was, at times, talking about Madison  
18 County. Do you remember her asking about that?

19 A. Correct.

20 Q. There were times when you were asking him about  
21 Madison County?

22 A. Yes.

23 Q. And times when he was talking about Madison  
24 County?

25 A. Yes.

KAUR - REDIRECT/REED

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1 Q. There were also times when you said, What about  
2 Wisconsin?

3 A. Yes.

4 Q. And what about Illinois -- or what about  
5 Indiana?

6 A. Yes.

7 Q. And so all three of those locations were  
8 discussed at different points --

9 A. Correct.

10 Q. -- in the course of the interview?

11 A. Correct.

12 Q. And the dishonesty about number of pickups and  
13 who he saw, did that extend to those portions of  
14 the transcript where he's talking about Indiana and  
15 Wisconsin?

16 A. Correct.

17 Q. And that's part of why you asked him, You got  
18 to be honest? We need to help you here?

19 A. Yes, sir.

20 Q. Defense counsel asked you about this contact  
21 called "Pickup." Do you recall that?

22 A. Yes, sir.

23 Q. And during that time when you are talking about  
24 Madison County, does Mr. Patel say he doesn't know  
25 who sent him --

KAUR - RECROSS/FRETER

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1 A. Yes.

2 Q. -- to Madison County?

3 Okay. And when we looked at the phone  
4 earlier -- you saw that, the phone for Madison  
5 County?

6 A. Yes.

7 Q. Okay. It's Danny and "Pickup" who send him to  
8 Madison County, right?

9 A. Correct.

10 Q. At some point during the course of that  
11 conversation, does Nirav Patel acknowledge that he  
12 does know the name of the person who is "Pickup"?

13 A. Correct.

14 MR. REED: Okay. No further questions.

15 **RECROSS-EXAMINATION**

16 BY MS. FRETER:

17 Q. You just told the Government that because of  
18 Mr. Patel's body language and lack of eye contact  
19 that made you disbelieve him; is that right?

20 A. Those weren't the only reasons, ma'am.

21 Q. But those were some of the reasons?

22 A. Some of them, yes.

23 Q. And so when you entered the room, you didn't  
24 introduce yourself to Mr. Patel as a special agent;  
25 is that right?

KAUR - RECROSS/FRETER

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1 A. No, because I had already done that on the  
2 phone, and he had already seen me prior to me even  
3 entering the room.

4 Q. In this capacity as -- it's possible for him to  
5 believe that you're just an interpreter; is that  
6 right?

7 A. No, I don't agree with that, because prior to  
8 me entering the room, I had actually taken the  
9 shackles off his feet when we were transporting him  
10 from the cell to the interview room, and I had done  
11 that. So that's -- at that time I had introduced  
12 myself. My name is Special Agent Kaur. I'm the  
13 one that spoke to you on the phone, and we are  
14 going to be taking you to the interview room. So  
15 prior to me even entering the room, I had already  
16 introduced myself.

17 Q. That's not on the tape; is that correct?

18 A. No, that's not on the tape.

19 Q. And what is on the tape is they say, Well,  
20 let's get that lady back here. Do you remember  
21 that?

22 A. Yes.

23 Q. And Mr. Patel, throughout his conversation,  
24 looks at those two male agents a lot, doesn't he?

25 A. Yes.

1 Q. And he makes eye contact with them, doesn't  
2 he?

3 A. Yes.

4 Q. He doesn't make eye contact with you?

5 A. I would say that's more of a cultural thing  
6 than the situation we were placed in.

7 Q. That's your assumption, right?

8 A. Yes.

9 Q. And he continuously says, I want to tell you,  
10 sir, I want to explain to you, sir? It's all about  
11 dealing with the two guys, right?

12 A. Yes, ma'am.

13 Q. Not dealing with you?

14 A. Again, I would say that's more of a cultural  
15 thing because males only speak to females in  
16 position of authority, I guess. They speak to more  
17 males generally.

18 Q. And so --

19 MS. FRETER: I don't have anything else.

20 MR. REED: Nothing else, Judge.

21 THE COURT: Thank you.

22 THE WITNESS: Thank you.

23 THE COURT: All right. Ladies and  
24 gentlemen, you have heard reference to money  
25 laundering. You will be instructed in this case

1 what the charges are, what the specific charges  
2 are, and you're not to speculate about what's going  
3 on in Madison County other than you know that at  
4 some point he was detained there.

5 The other thing is -- let's see. Who do  
6 we got left?

7 MR. WEINHOFTE: We'll need to excuse the  
8 jury and take a sidebar after this point.

9 THE COURT: You will what?

10 MR. WEINHOFTE: We'll need to have a  
11 sidebar outside of the presence of the jury next.  
12 That's really our next step.

13 THE COURT: But you don't have any further  
14 witnesses to call?

15 MR. WEINHOFTE: Correct.

16 THE COURT: Okay. Let's talk about that  
17 now. Why don't you take a five-minute break.

18 (Jury out at 2:42 p.m.)

19 THE COURT: All right. Let the record  
20 reflect that the jury has left the room.

21 MR. WEINHOFTE: We'll need to double-check  
22 to make sure all of our exhibits have been moved  
23 in.

24 THE COURT: Okay.

25 MR. WEINHOFTE: And then we're out of

1 witnesses, we'll rest off the record and take up  
2 any motions defense might have, and then rest on  
3 the record after the jury comes back.

4 THE COURT: All right. Well, one thing I  
5 do want to take up now is this interview was  
6 conducted at a time when defendant had charges  
7 pending against him in Madison County. He had  
8 felony charges pending against him in Madison  
9 County. When he was Mirandized, there was no  
10 reference to, You have a lawyer with respect to  
11 these charges in Madison County, and we're going to  
12 talk to you about those. There was no evidence  
13 that the lawyer was contacted to say, We've picked  
14 up your client and we're going to ask him  
15 questions. And there was no motion to suppress  
16 that interview, and what I want on the record is  
17 that you have made the -- not out of ineffective  
18 assistance of counsel that you are not moving to  
19 suppress, but you believe that there are strategic  
20 reasons why you decided not to raise those  
21 objections and allow the interview to be presented  
22 to the jury.

23 MS. FRETTER: Would you like me to  
24 articulate the reasons or --

25 (Interruption by the court reporter.)



1 THE COURT: You can give me a general  
2 thumbnail. You don't have to go into every detail,  
3 but I just want a record that shows -- I don't want  
4 you to surrender any advantages you may have, but I  
5 just want a record that you're aware of that and  
6 you have made a strategic decision not to assert --  
7 or try to suppress it.

8 MS. FRETER: And so, Judge, I think  
9 there's multi-prongs to my thinking. If later on  
10 down the road some Monday morning quarterback says  
11 I'm wrong, then I'll eat it, but this was my --

12 THE COURT: I have a whole set of Monday  
13 morning quarterbacks.

14 MS. FRETER: I know, Judge. Sometimes I'm  
15 one of those.

16 This is my thinking, and I stand by it.  
17 I -- there is a marked difference to start with  
18 between lawyers talking to a represented party and  
19 agents talking to a represented party. Agents, law  
20 enforcement, are allowed to talk to a represented  
21 party as long as it's on a different topic.

22 So had I moved to suppress this, I think  
23 there's a pretty good chance that the Court may  
24 have excluded the portions, perhaps, about the  
25 Madison County case but allowed the rest of it in.

1     Additionally, Mr. Patel -- and we've been to court  
2     many times here, both with the Government present  
3     and just us in terms of my relationship with him,  
4     his desire for a speedy trial. He has had many  
5     communications with the Court. He has been  
6     steadfast in both his court appearances and with me  
7     privately about his desire to testify. I have -- I  
8     mean, he could in theory flake out at the last  
9     minute, but I don't anticipate that happening.  
10    Strategically, to have the statement suppressed, to  
11    have Mr. Patel testify and then to have the  
12    Government put it on in rebuttal I believe would be  
13    devastating to his case. I think that it would  
14    appear as if he was a huge liar. I think the jury  
15    wouldn't have gotten to hear him at all. I think  
16    it would be horrible impeachment for him rather  
17    than it going the other way, so I did not want that  
18    to happen.

19           THE COURT: Perfectly acceptable.

20           MS. FRETER: Additionally, I believe that  
21    the statement is exculpatory. The Government views  
22    it one way in that they say when he says, I did  
23    something wrong or I knew this was a mistake or  
24    money laundering, the Government thinks that it's  
25    exculpatory (sic). I anticipate Mr. Patel is going

1 to testify very consistently with that statement,  
2 and that, as we've said before, his defense has  
3 always been lack of knowledge or intent. He's  
4 never denied being at the places. The record's  
5 reflected that when officers have moved to identify  
6 him, he's raised his hand, so that it's my  
7 anticipation that his testimony is going to be  
8 consistent with the statement and that it's  
9 exculpatory. So even if it was contained in  
10 contravention of *Miranda*, it doesn't hurt me any.  
11 And so for all of those reasons, I didn't move to  
12 suppress it. Partially, also, because if he didn't  
13 testify, I'd want it in. It's his defense. I  
14 think he is very persuasive even on the tape, so  
15 that's why.

16 THE COURT: All right. Thank you.

17 MR. WEINHOFET: Judge, since we're making  
18 a record on that topic, if I may, this is a subject  
19 that we, with the U.S. Attorney's Office, discussed  
20 in advance and considered as well; and the right to  
21 counsel, there's obviously two: one under the  
22 Fifth Amendment, one under the Sixth Amendment.

23 His state public defender would not be  
24 permitted to represent him in a federal case to  
25 begin with; but the Sixth Amendment right to

1 counsel is offense specific; and so the Sixth  
2 Amendment right attaches at the course of the  
3 initiation of the federal charges. The Fifth  
4 Amendment is the custodial right, and so really it  
5 was the Fifth Amendment custodial issue that was  
6 paramount. He was clearly waiving that. He  
7 clearly wanted to speak. He had a lot to say and  
8 wanted to speak, and so we thought there was a  
9 valid waiver there and that there was no reason --  
10 there certainly -- the attorney in Madison County  
11 certainly wouldn't have been able to represent him  
12 as a public defender in a federal case outside of  
13 that jurisdiction.

14 THE COURT: All right. Why don't we  
15 get -- we'll check on exhibits, make sure that  
16 everything that you need in has been moved in.

17 MR. REED: Can I check with you to make  
18 sure you have it?

19 THE COURT: Off the record.

20 (Off the record.)

21 THE COURT: All right. We're back on the  
22 record.

23 Off the record, Counsel, you have checked  
24 with the clerk. Are all the exhibits that you wish  
25 to be admitted, have they been admitted?

1 MR. REED: Yes, Judge.

2 THE COURT: Does the Government have any  
3 more witnesses or evidence to Submit?

4 MR. REED: No, Judge. The Government  
5 rests at this time.

6 **GOVERNMENT RESTS**

7 THE COURT: All right. Counsel?

8 MS. FRETER: Your Honor, while we're here  
9 outside the presence of the jury, I would make a  
10 motion for judgment of acquittal at the close of  
11 the Government's case in that they failed to make a  
12 submissible case to the jury from which a  
13 reasonable juror could make a finding of guilt  
14 beyond a reasonable doubt in that they failed to  
15 adduce sufficient evidence to show that Mr. Patel  
16 engaged in a conspiracy to commit wire fraud and  
17 that he personally committed offenses of wire fraud  
18 and knowingly illegally entered into the United  
19 States.

20 MR. REED: Judge, the Government would  
21 respond that the evidence sufficiently showed that  
22 all elements to all offenses were met by the  
23 evidence that came in. As to conspiracy, the  
24 Government showed that Mr. Patel was actively  
25 involved in what was going on here, showed that the

1 victims was defrauded, that there was a scheme to  
2 defraud, and that that was the goal of this  
3 conspiracy, and it showed that Mr. Patel knowingly  
4 joined that conspiracy in a variety of ways because  
5 he had been told by -- in Wisconsin that these  
6 victims didn't want them taking their money. He  
7 kept doing it anyway. Because he saw the  
8 victims -- that they were old ladies, he saw the  
9 money in the box, the amount of money involved, he  
10 saw the distance he was driving, and he knew that  
11 this scheme was based overseas. The evidence  
12 showed that he knew his coconspirators, some of  
13 them were related to him, and he took action to  
14 cover it up by deleting files.

15 As to Counts 2 through 4 -- well, I should  
16 go back to Count 1.

17 The evidence showed a number of mailings  
18 and wires, not only the packages with the gold with  
19 UPS coming into Indiana, but also the wire to  
20 Oklahoma to pay for the gold, the bank transaction  
21 at U.S. Bank and the bank transaction at Busey  
22 Bank, among many other bank transactions, that  
23 supports that element of the offense.

24 As to Counts 2 through 4, those three  
25 wires were certainly proven up. As to intent to

1 defraud, again, the evidence showed that Mr. Patel  
2 continued doing this even after he was stopped in  
3 Wisconsin and it was demonstrated that this woman  
4 didn't want him taking money and for all the  
5 reasons I stated earlier as to knowing conspiracy  
6 that he has intent to defraud as well. The  
7 evidence showed that there was a scheme to defraud  
8 and that the purpose of that scheme to defraud was  
9 to deceive the victims.

10 And as to Count 5, Mr. Patel acknowledged  
11 that he had entered the country unlawfully.

12 THE COURT: All right. I think the motion  
13 is dismissed with respect to all counts.

14 All right. Mr. Patel, we discussed this a  
15 number of times. The Government has now closed its  
16 case. It's not going to offer any more evidence.  
17 It's not going to call any more witnesses. You  
18 heard your lawyer describe to me why she thought  
19 this video interview of you was helpful, and it's  
20 your decision whether or not you want to take the  
21 stand and explain to the jury your side of the  
22 story. It's a --

23 (Defendant started indiscernible  
24 speaking.)

25 THE COURT: No, no.

1           It's a big decision to make and it is --  
2       it's one that you should discuss with your lawyer,  
3       and I know you've talked to her about it. She is  
4       experienced. She's watched the way the evidence  
5       has rolled out in this case as have I; and from a  
6       legal standpoint, she may have -- she's certainly  
7       going to have an informed opinion of whether it's  
8       strategically advantageous for you to testify or to  
9       let the case go to the jury as it is.

10           The jury will be instructed by me -- we'll  
11       given them written instructions and I will look  
12       them in the eye and tell them it's the Government's  
13       duty to prove its allegation that somebody  
14       committed a crime; and as you sit here, they are to  
15       presume you innocent; and they can only find you  
16       guilty if all of them agree unanimously as to each  
17       element of any count against you.

18           Okay. So what's there, seven counts?

19           MR. REED: Five counts.

20           MR. WEINHOFET: Five.

21           THE COURT: There are five counts. The  
22       jury could find you guilty of some but not all.  
23       The jury could find you guilty of being here  
24       illegally but nothing else, or they can on all  
25       counts. They will also be told by me that not only



1 do you not have to testify, you're not required to  
2 offer any evidence, none. The Government bears the  
3 burden of proof.

4 So do you want a little time to talk with  
5 your lawyer before you make the final decision?  
6 I'll give you a little time to talk with your  
7 lawyer because I think -- I do think it's worth  
8 talking to her -- now that you've witnessed and  
9 she's witnessed how this has all played out, how  
10 the cross-examination has gone, okay, what was said  
11 and not said, that might impact her opinions as to  
12 the strategic value of you testifying on your own  
13 behalf or not testifying.

14 So we will recess for -- if he does  
15 testify, how long do you think it will take?

16 MS. FRETER: My portion should be fairly  
17 short, maybe 20 minutes. I expect the Government  
18 is going to be up there a long time.

19 THE COURT: I see a smile on a face, so I  
20 think you've read the room right. We'll just  
21 recess. Let me know when you're done, okay, and  
22 then we'll bring the jury back.

23 (Recess at 3:00 p.m. until 3:06 p.m.)

24 (Outside the presence of the jury.)

25 THE COURT: All right. Mr. Patel, you had

1 enough time to speak with your attorney?

2 THE DEFENDANT: Yes, yes.

3 THE COURT: And it's your decision that  
4 you wish to testify?

5 THE DEFENDANT: Yes.

6 THE COURT: Understanding that not only do  
7 you get to tell your side of the story, but the  
8 lawyers for the Government get to cross-examine  
9 you? Do you under -- you have to say yes.

10 THE DEFENDANT: Yes.

11 THE COURT: All right. Counsel, that's  
12 your understanding, that your client wishes to  
13 testify?

14 MS. FRETER: Yes, Your Honor.

15 THE COURT: All right. Bring the jury in.  
16 (Jury present at 3:11 p.m.)

17 THE COURT: For purposes of the record, I  
18 think the Government should -- does the Government  
19 have any more witnesses to call?

20 MR. REED: No, Judge. The Government  
21 rests.

22 (Government rests in the presence of the  
23 jury.)

24 THE COURT: All right. The Government has  
25 now presented all its witnesses and exhibits.

PATEL - DIRECT/FRETER

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1 Call your first witness.

2 MS. FRETER: Thank you. Defense calls  
3 Nirav Patel.

4 COURTROOM DEPUTY: Raise your right hand.  
5 (Defendant sworn.)

6 THE DEFENDANT: Yes, I was tell the truth.  
7 I swear by my religious book.

8 COURTROOM DEPUTY: Please state your full  
9 name for the Court and spell your last name.

10 THE DEFENDANT: My name is Nirav Patel,  
11 P-a-t-e-l.

12 THE COURT: All right. Let's pull the  
13 microphone closer to him.

14 MS. FRETER: How about for the  
15 interpreter. He doesn't need it.

16 **NIRAV PATEL, DEFENDANT,**  
17 **DIRECT EXAMINATION**

18 BY MS. FRETER:

19 Q. Please state your name.

20 A. Nirav Patel.

21 Q. And how old are you?

22 A. I'm 44 years old.

23 Q. What's your birthday?

24 A. May 30, 1980.

25 Q. And where were you born?

PATEL - DIRECT/FRETER

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1 A. In Ahmedabad, India.

2 Q. And what province of India is that?

3 A. Gujarat.

4 Q. And what languages do you speak?

5 A. Gujarati.

6 Q. Okay. And so you speak some English; is that  
7 right?

8 A. Yes.

9 Q. And you've been in the United States now for a  
10 couple of years; is that right?

11 A. Yes.

12 Q. And your language -- your English has gotten  
13 better?

14 A. Yes.

15 Q. So sometimes you can understand the questions  
16 that I'm asking and sometimes it's helpful to have  
17 the interpreter; is that right?

18 A. I need an interpreter 70 percent of the time.

19 Q. Okay. And so it's better for Court, if you  
20 don't answer my questions in English, even if you  
21 understand them, that you wait for the interpreter,  
22 okay?

23 A. Yes.

24 Q. I know it's hard to wait, but it just works  
25 better. We can agree to that, right?

PATEL - DIRECT/FRETER

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1 A. Yes.

2 Q. Okay. Mr. Patel, how far did you go to  
3 school?

4 A. I studied up to the tenth grade.

5 Q. And how -- and was that in India?

6 A. Yes.

7 Q. And how old in India is somebody who's in the  
8 tenth grade?

9 A. Seventeen or 18.

10 Q. And what kinds of things did you study up until  
11 the tenth grade?

12 A. Gujarati, Sanskrit, social studies, Hindi.

13 Q. Do you know how to read and write in Hindi?

14 A. I do understand spoken Hindi, but I do have  
15 difficulty in reading it.

16 Q. What about Gujarati, can you read and write in  
17 Gujarati?

18 A. Yes.

19 Q. And if you had to pick a language you were most  
20 comfortable with between Gujarati and Hindi, what  
21 would be it?

22 A. Gujarati.

23 Q. And if you had to pick a language between  
24 Gujarati and English you were most comfortable in,  
25 which would it be?

PATEL - DIRECT/FRETER

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1 A. Gujarati.

2 Q. When did you come into the United States from  
3 India?

4 A. I was in the United States on the 21st of  
5 December, 2021.

6 Q. And how did you get to be in the United  
7 States?

8 A. I was in Vancouver, there was floods there,  
9 heavy rains, and I was working with someone, and I  
10 was stuck there.

11 Q. How did you physically move between Vancouver  
12 and the United States?

13 Okay. Mr. Patel, for the interpreter, if  
14 you could just talk in a couple of sentences and  
15 let her interpret, and then we'll go on.

16 A. I can't explain it very well, but the thing is,  
17 this man put me on his back, and he was -- and then  
18 a car came and then I got into a car.

19 Q. Okay. So you traveled by car across the border  
20 between Canada and the United States?

21 A. I did not know that I have come from Canada  
22 into the United States.

23 Q. You later learned, when you got out of the car  
24 at some point, you were in the U.S.; is that  
25 right?

PATEL - DIRECT/FRETER

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1 A. Yes.

2 Q. And that journey was by car?

3 A. Yes.

4 Q. How did you get from India to Canada?

5 A. I had the visa from before COVID, but I came to  
6 Canada after COVID.

7 Q. Okay. My question is, like, how did you move?  
8 Did you take a plane or a boat? How did you get  
9 from India to Canada?

10 A. Flight.

11 Q. And when did you do that?

12 A. In 2021. I was in Canada for maybe a couple of  
13 months.

14 Q. And Government's Exhibit 78 is a Canadian visa  
15 application. Do you remember that?

16 A. Yes.

17 Q. And did that come off of your phone?

18 A. Yes.

19 Q. Who filled that out?

20 A. That was this agent who did visa work, and he  
21 was the one who filled it out.

22 Q. You didn't sign that one?

23 A. No.

24 Q. And is that the one that you turned in to  
25 Canada when you came in '21, or was it a different

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1 one?

2 A. I don't really know because I have problems  
3 reading English.

4 Q. Okay. If it says on the visa application that  
5 you have an MBA from college, is that true?

6 A. No.

7 Q. And if it says on the application that you  
8 worked in some sort of financial -- I think,  
9 Pricewaterhouse, is that true?

10 A. No.

11 Q. Is your wife a doctor?

12 A. No.

13 Q. What kind of work did you do back in India?

14 A. I am a technician. I do TV repairs and air  
15 conditioning, cooling systems and all household  
16 appliances.

17 Q. That's what you did in India?

18 A. Yes.

19 Q. And what was your reason for going to Canada?

20 A. There was really no reason for me to go to  
21 Canada. Actually, I was supposed to go to  
22 Australia before COVID; but for some reason, the  
23 agent made a mistake and put Canada.

24 Q. Why were you leaving India?

25 A. Because of COVID, there was no work, and I was



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1 at a loss.

2 Q. When you realized you're in Canada instead of  
3 Australia, why don't you go back to India?

4 A. Because I was trapped here. I was trapped here  
5 in that house for 15 days. I'd lost all my flight  
6 tickets and everything.

7 Q. Is that when you got sick?

8 A. Yes, because in India the weather is warm but  
9 Canada was so cold. My body was literally  
10 frozen.

11 Q. And then when you end up in the United States,  
12 why don't you -- instead of Australia or Canada,  
13 why don't you go back to India?

14 A. So I did want to go back, but then the people  
15 around here told me that you shouldn't have any  
16 problems. You pay your income tax and all that and  
17 later on you'll be able to bring your family  
18 here.

19 Q. Okay. And so you knew when you were in the  
20 United States you didn't go through passport  
21 control?

22 A. I had no idea what to do.

23 Q. Okay. But my question was: You knew you  
24 didn't go through passport control where they check  
25 your passport?

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1 A. No.

2 Q. No? You were aware no one from the U.S. looked  
3 at your passport? Is that right or not right?

4 A. Yes.

5 Q. So you're in the United States, and then where  
6 do you go in the U.S.?

7 A. From Seattle, I went to New Jersey.

8 Q. How did you get from Seattle to New Jersey?

9 A. Flight.

10 Q. How did you get money for a flight from Seattle  
11 to New Jersey?

12 A. That guy helped me.

13 Q. The guy who put you on his back?

14 A. Yes.

15 Q. Why didn't you take the money and go back to  
16 India?

17 A. Because flights to India are very expensive.

18 Q. Did the guy who put you on his back and then  
19 got you a ticket to Jersey, did he tell you to do  
20 anything? Like why is he sending you to Jersey?

21 A. He was speaking in English, and I really  
22 couldn't understand everything that he was saying  
23 and neither could he understand what I was  
24 saying.

25 Q. What happens when you get to New Jersey?

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1 A. I came to New Jersey. I had a cousin there, a  
2 male cousin, and he said there's this liquor store,  
3 you could work there, and I was there for a week,  
4 but I'm not used to alcohol. I don't drink. I  
5 don't smoke, no tobacco, nothing, so I wasn't very  
6 comfortable in the alcohol store. I felt like  
7 puking, so I didn't work there.

8 Q. Between the time that you come to the United  
9 States and the time you end up in Chicago, what  
10 kind of jobs do you do?

11 A. Through a contact, I was told to go and work in  
12 a motel, and I was supposed to do repair work of  
13 the lights and stuff like that.

14 Q. Okay. Do you end up in Atlanta at some  
15 point?

16 A. I had to go to Atlanta, but only for a week,  
17 because in Tennessee I have another cousin, a  
18 female, who has -- who runs some business  
19 decorating weddings, wedding venues.

20 Q. Okay. But you get to Atlanta, right? You get  
21 to Atlanta?

22 THE INTERPRETER: Yeah, Atlanta.

23 THE DEFENDANT: I was in Tennessee for  
24 five to six months.

25 BY MS. FRETER:

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1 Q. Do you make it to Atlanta?

2 A. Yes, I did.

3 Q. Okay. What happens -- who do you see that you  
4 know in Atlanta?

5 A. Yes, I have another female cousin in Atlanta.

6 Q. Okay. And do you work in Atlanta?

7 A. Not at that time.

8 Q. Do you have a cousin named Danny, or Dinesh, in  
9 Atlanta?

10 A. Yes.

11 Q. Do you see -- is Danny a male or female?

12 A. Male.

13 Q. And is this your blood cousin? Is this Dinesh,  
14 this Danny, like a real relative of yours, or is  
15 that -- do you just say cousin?

16 A. He's really not a blood relative, but my female  
17 cousin's husband's -- husband's oldest sister's  
18 husband.

19 Q. So he is an in-law family? He's part of your  
20 extended family?

21 A. Yes.

22 Q. Married into your family through your cousin's  
23 side?

24 A. Correct.

25 Q. So you call him "cousin"?

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1 A. Yes.

2 MS. FRETER: Okay. So it seems like he  
3 said more than just yes. What else did he say?

4 A. Yes, like a cousin.

5 BY MS. FRETER:

6 Q. Okay.

7 A. Or a friend.

8 Q. Okay. How do you end up -- or why do you end  
9 up going from Atlanta to Chicago?

10 A. There were no jobs in Atlanta.

11 Q. And so why pick Chicago as opposed to somewhere  
12 else?

13 A. First of all, there are a lot of Indians there;  
14 and through a contact of mine -- actually, I play  
15 drums, so I was able to talk to someone into the  
16 music industry, and I also had a friend there, so I  
17 went there.

18 Q. Okay. And we saw in one of the Government's  
19 exhibits there is a picture of somebody with a drum  
20 set. Do you remember that?

21 A. Yes.

22 Q. And was that you?

23 A. Yes.

24 Q. When did you go to Chicago?

25 A. I don't exactly remember, but I was in

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1 Tennessee for like three to four months. Then I  
2 went to Chicago. I needed a license because in  
3 this country you can't do without a car.

4 Q. Okay. Mr. Patel, try really hard to answer the  
5 question that I'm asking and not give too much  
6 extra information so we don't get into something  
7 else.

8 A. Okay.

9 Q. So my question was: When did you get to  
10 Chicago?

11 A. I don't remember at the moment.

12 Q. Do you remember if it was in 2022 or 2023?

13 A. Twenty-two.

14 Q. And where did you live in Chicago?

15 A. Aurora.

16 Q. And is Aurora a suburb of Chicago? So meaning  
17 it's like not downtown?

18 A. I don't know about that.

19 Q. And what kind of work were you doing while you  
20 were living in Aurora?

21 A. I got a job as a pizza delivery person.

22 Q. How is it that you come to be a driver to pick  
23 up packages?

24 A. It so happened that I had bought a car for  
25 \$2,500, but it wasn't very good, and then I got

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1 some music work, and then within a couple of  
2 months, there were problems with my car. The  
3 transmission went off, so I had to spend a lot of  
4 money on that, and I had to borrow all that money  
5 from a friend to get this fixed, and I was looking  
6 for work because I lost my job as a pizza delivery  
7 person because there were too many people working  
8 that job.

9 Q. Okay. My question, Mr. Patel, was how is it  
10 that you end up -- like what happens to cause you  
11 to go be driving to pick up packages?

12 A. That time I just thought that this is legal  
13 money. What problem could be there? I had no idea  
14 about anything else about this place.

15 Q. Okay. Like who -- who calls you or talks to  
16 you? Like how does it happen that, like, somebody  
17 says, Go pick this up? Like how does that happen  
18 for the first time?

19 A. Danny, or Dinesh, Patel called me once, and he  
20 asked how was I doing, do I have a job, et cetera.  
21 And I said, Not really. I don't. So he said, I do  
22 have a job. Would you like to do that? And I  
23 said, Yes.

24 Q. About when was that?

25 A. I don't remember.

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1 Q. Do you know what year it was?

2 A. Twenty-two.

3 Q. Do you remember if it was warm or cold?

4 A. It was cold.

5 Q. And where did Danny tell you to go? Where did  
6 Danny tell you to go?

7 A. Initially Danny told me to go to Indiana.

8 Q. And what were you supposed to do in Indiana?

9 A. He said you just have to go there, to the  
10 address that I will give you, and someone will give  
11 you a package. As a courier, you just got to  
12 deliver that.

13 Q. And did you go pick up a package in Indiana?

14 A. Yes.

15 Q. And what did you do with the package the first  
16 time after you picked it up?

17 A. I just took that, and I delivered to the person  
18 I was told to.

19 Q. Who was that person?

20 A. I have no idea about that.

21 Q. Where was the person at?

22 A. He was in Chicago.

23 Q. Do you know where in Chicago?

24 A. I don't remember.

25 Q. Well, was it near you in Aurora? Was it



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1 downtown?

2 A. I really don't know about this. I can only  
3 tell if I had a map.

4 Q. Okay. Was it like a house? A business? Like  
5 what kind of place was this person at?

6 A. No. It was a small shopping mall, and he just  
7 took it from there.

8 Q. How did you know who to give the package to?

9 A. So there was a dollar bill, and the number  
10 would be confirmed by Danny, and then I would just  
11 hand it over.

12 Q. Okay. I really don't understand what that  
13 means. Can you explain that some more?

14 A. I don't know myself.

15 Q. Okay. My question was: How did you know -- of  
16 all the people, right, how did you know who to hand  
17 the package to?

18 A. So Dinesh Patel was coordinating all this. I  
19 would go to a certain place that he would direct me  
20 to, and then Dinesh Patel would tell the other  
21 person that this person has a brown car and this is  
22 the license plate, and then that person would come,  
23 and then we would talk to Dinesh Patel, and then  
24 that's how the package would be picked up.

25 Q. Okay. What does that have to do with the

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1 dollar bill?

2 A. I'm not very sure about the dollar bill thing  
3 because I don't know much about it, but then they  
4 would look at the dollar bill, and then they would  
5 confirm.

6 Q. Who would look at the dollar bill?

7 A. Danny and the person who would be there. He  
8 would tell me to take a picture of that and send it  
9 to him, and I would do that, and the person who  
10 would come there would be the one to give that  
11 dollar bill.

12 Q. You would give the dollar bill to the person  
13 you also gave the package to?

14 A. Yes, that person would.

15 Q. I'm sorry. I didn't hear the last --

16 A. Yes, that person would.

17 Q. Was it your dollar bill? Was it your dollar  
18 bill that you had that you took the picture of?  
19 You, Mr. Patel, was it your -- you had a \$1 bill,  
20 and then you took a picture? Was it your money?

21 A. No, not mine.

22 Q. Whose dollar bill was it?

23 A. The person who would come there would have the  
24 dollar bill.

25 Q. Okay. The person who would come would have the

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1 dollar bill. You would take a picture and then  
2 would you send that to Danny; is that right?

3 A. Correct.

4 Q. And after that happened, then you would give  
5 them the money?

6 A. Right.

7 Q. Did you pick up in Indiana and Wisconsin and  
8 Illinois different packages?

9 INTERPRETER: Indiana?

10 BY MS. FRETER:

11 Q. Indiana, Wisconsin, Illinois?

12 A. Yes.

13 Q. And were you directed either by Danny or  
14 someone else about where to go?

15 A. Initially, it was Danny, and then there were  
16 all these friends of his, but I have no idea about  
17 these things because in my 44 years of life, I've  
18 never done all these things.

19 Q. Okay.

20 A. I have no idea about this, but in India I used  
21 to work for a music company. We had to take huge  
22 payments and deliver it to agencies, and I've done  
23 that; but about this, I do not know.

24 Q. Okay. Well, did you think it was strange that  
25 these elderly ladies were coming to your car to put

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1 packages in it?

2 A. Initially, as well as right now as we speak, I  
3 have no idea if these ladies were giving me the  
4 money or their husbands were or what because I came  
5 to know about all these things only after this  
6 happened.

7 Q. Okay. Do you remember a lady coming to give  
8 you a package, and she used a wheel -- a walker to  
9 get to you? Do you remember that?

10 A. Yes.

11 Q. And then she loaded the stuff from the walker  
12 into your car? Do you remember that?

13 A. Yes, I saw her, and then I was told to have the  
14 package -- put it in the back of the car. So I  
15 just gestured to the lady, and that's what she  
16 did.

17 Q. It didn't seem strange to you that an elderly  
18 woman with a walker would come to your car and put  
19 packages in the back? That didn't seem weird?

20 A. I had no idea about this at all because who  
21 knows. She may have some problems. She may have  
22 been making some deliveries somewhere or whatever.  
23 I have no idea.

24 Q. The time when she came with the walker, where  
25 did you take those packages to?

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1 A. I would take the package, and then I would be  
2 directed to go to certain place where I would meet  
3 that other person, and I would just deliver that.

4 Q. And do you remember the lady when she came out  
5 with the walker, because we can remember that one,  
6 where did you take that package to?

7 A. Everything had to be delivered the same day.  
8 Everything would take place the same day, so I  
9 don't really know much, but I think it was  
10 Chicago.

11 Q. Why did you take pictures on your phone of the  
12 maps and the directions?

13 A. Because that person would constantly ask me  
14 where are you, how far have you reached, and I had  
15 no idea, so I just took a picture and texted it.

16 Q. Why would you take pictures of the packages?

17 A. I did what I was told to do.

18 Q. Okay. So somebody told you take a picture of  
19 the package and send it to them; is that right?

20 A. Yes.

21 Q. When you're in Wisconsin and you're stopped by  
22 the police, didn't that cause you concern about  
23 your package pickup business?

24 A. No, because the lady used to give me the  
25 package, and I had no idea about these things at

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1 all. I didn't even think about it. I thought -- I  
2 thought maybe there's some -- something concerning  
3 guns and all that or maybe there was some  
4 terrorists around and that's why they --

5 THE COURT: All right. We want to make  
6 sure that you give your translator the opportunity  
7 to convey your full answer. So if you give a long  
8 answer, it's more difficult for her to accurately  
9 convey. So say a few words, let her translate, and  
10 then you can continue with your story. Does that  
11 work for you?

12 THE WITNESS: Yes.

13 BY MS. FRETER:

14 Q. And if I need more information, I'll ask more  
15 questions.

16 A. Okay.

17 Q. So you get stopped by the police about this  
18 package in Wisconsin. Doesn't that make you think  
19 maybe something's wrong with this situation, with  
20 package pickups?

21 A. No.

22 Q. What did you think when the police in Wisconsin  
23 let you go?

24 A. I went immediately to the mall and I called  
25 Dinesh, and I said, What's going on? And he says,

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1 No, it must be something else. Don't worry.

2 Q. And did you believe him?

3 A. Not really because at first I did think  
4 something was unusual but not much because, after  
5 all, this lady was giving me the package, and it's  
6 not like I was stealing anything. I was just  
7 delivering the stuff.

8 Q. Okay. So you sort of thought it was wrong or  
9 you were sort of worried, but you still went to  
10 Illinois later anyway?

11 A. Actually, Dinesh gave me false information and  
12 brainwashed me.

13 Q. How did he brainwash you?

14 A. He explained to me this is all legal. Nobody  
15 is going to catch you because the money is being  
16 taken out of the bank.

17 Q. All right. And so when you say "the money is  
18 being taken out of the bank," what does that  
19 mean?

20 A. That means it's honest money.

21 Q. Oh, okay. Meaning that it wasn't, like, from  
22 the black market?

23 A. Right.

24 Q. Not from, like, an illegal sale? That it's  
25 legitimate money?

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1 A. Yes.

2 Q. And so how did you get paid for picking up and  
3 then distributing these packages?

4 A. I told Dinesh to pay me by Zelle.

5 Q. Okay. And what is Zelle?

6 A. It's something to do with the bank. You get  
7 direct transfer.

8 Q. Do you use -- do you go to a bank, or do you  
9 use it on your phone?

10 A. Phone.

11 Q. How much money would you get per package?

12 A. \$400.

13 Q. Do you remember telling the police in Illinois  
14 it was 250?

15 A. Yes, there's a reason. Because I have to spend  
16 from -- anything from 150 to 180 on gas, so you  
17 deduct that, and you're really left with around  
18 250.

19 Q. Okay. So 400 is your gross and 250 is your  
20 net? Is that a fair statement?

21 A. Yes, it would be around 250 or even around 200  
22 sometimes.

23 Q. Mr. Patel, why are you driving so far and so  
24 many hours and only making \$250 a package?

25 A. First of all, I didn't have a job; secondly, I



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1 had to pay rent; and third, I like traveling. I  
2 also had a travel business in India.

3 Q. What does that mean, "a travel business"?

4 A. I like to drive and enjoy nature.

5 Q. When -- do you remember when you got arrested  
6 in Illinois?

7 A. Yes.

8 Q. Why did you tell officers -- or what did you  
9 mean when you kept saying "first time?" What did  
10 you mean by that?

11 A. That I was arrested for the first time.

12 Q. What is your opinion or belief about your  
13 contact with the police in Wisconsin?

14 A. Good.

15 Q. Do you feel like you got arrested in  
16 Wisconsin?

17 A. Yes, but I had no idea that they would keep me  
18 there in custody because I didn't know anything  
19 about this.

20 Q. Okay. Did you get kept in custody in  
21 Wisconsin?

22 A. No.

23 Q. So then I don't understand your answer. My  
24 question was: How did you feel or what did you  
25 view about your contact with the police in

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1 Wisconsin?

2 A. At that time I just thought that maybe some  
3 investigation is going on, so they was just  
4 checking me.

5 Q. You'll agree that after your police contact in  
6 Wisconsin, you did more pickups including in  
7 Illinois?

8 A. No. I think it was one year, and then it was  
9 this, just this.

10 Q. Your contact with police in Wisconsin was in  
11 November of 2022 -- no. Sorry. Yes, November of  
12 20 -- November of '20. November? Is that right?

13 THE INTERPRETER: November '20?

14 BY MS. FRETER:

15 Q. November in Wisconsin, was it '24?

16 THE COURT: No, '22.

17 MS. FRETER: Twenty-two. Sorry, Judge.

18 THE WITNESS: Yes.

19 BY MS. FRETER:

20 Q. And you got arrested in Illinois after that?

21 A. Not in Illinois. They did not arrest me.

22 Q. Okay. Well, in Madison County, here in  
23 Edwardsville, they arrested you?

24 A. Yes.

25 Q. Okay. When I asked you about Illinois, what

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1 did you think I meant?

2 A. I thought something else.

3 Q. I know. What did you think?

4 A. Oh, I thought Illinois means Chicago.

5 Q. Did you take money out of any of the boxes?

6 A. No.

7 Q. Do you remember telling the police that you did  
8 take money out of the boxes?

9 A. It so happened that they were torturing me.

10 They kept asking me questions, and at that time my  
11 son was undergoing surgery, and my mother had a  
12 brain stroke and even -- this woman, she's  
13 paralyzed, and I didn't have money for that, and  
14 even today my mother is so sick, but I'm unable to  
15 send her for medical treatment.

16 Q. Okay. But the police -- when you talked to  
17 them in Illinois, they gave you food and juice?

18 A. Yes, they gave me juice.

19 Q. They didn't hit you or beat on you?

20 A. No.

21 Q. They gave you a blanket?

22 A. Yes.

23 Q. Okay. So when you say they're torturing you,  
24 what do -- you don't mean physical torture. What  
25 do you mean?

1 A. Actually, they kept interrogating me. They  
2 kept interrogating me, and they kept asking me  
3 questions, and I really had no idea what they were  
4 trying to get at.

5 Q. And when you were getting questioned by them,  
6 how did all that make you feel?

7 A. I felt like they were treating me like I was a  
8 criminal terrorist.

9 Q. Are you a terrorist?

10 A. No.

11 Q. But you were in the U.S. illegally, right?

12 A. Yes.

13 Q. So kind of that was -- that's a crime, right?

14 A. Yes.

15 Q. Were you worried about that?

16 A. No, because I thought I stayed here honestly,  
17 and I've never done anything dishonest and that I  
18 would be paying my taxes and I have paid.

19 MS. FRETER: Okay. I don't have anything  
20 further.

21 THE COURT: Will you approach?

22 (Sidebar proceedings on the record.)

23 THE COURT: Do you -- it's 10 after. How  
24 long do you think you're going to take?

25 MR. REED: Given the pace with the

1 translator, probably a few hours.

2 THE COURT: A few hours?

3 MR. REED: Yes, Judge.

4 THE COURT: Then we'll come back tomorrow,  
5 and you're going to finish by 11:30, okay, and then  
6 we'll just bring them back Monday, the jury, if you  
7 think it's going to be hours.

8 MR. WEINHOFET: If we start at 9 --

9 MR. REED: I think I will.

10 MR. WEINHOFET: -- there is no way we're  
11 done by 11:30.

12 THE COURT: There can be too much of a  
13 good thing, guys.

14 MR. WEINHOFET: I hear you.

15 MR. REED: Understood.

16 THE COURT: No, listen, it's your case.  
17 (End of proceedings at sidebar.)

18 THE COURT: Mr. Patel, you have been on  
19 the stand for a while, and the Government has a  
20 number of questions they want to ask you. So I  
21 think the thing to do is we will recess for the  
22 day, and we'll start back first thing tomorrow  
23 because I think it's going to be a little while.  
24 All right. And people can get stressed out, you  
25 understand, when you're being questioned. All

1 right, and, again, because we have to translate  
2 this, it takes a little longer than usual. Okay  
3 with you?

4 THE DEFENDANT: Yes.

5 THE COURT: All right. I was hoping we  
6 can get finished today. We certainly aren't going  
7 to get wrapped up by 4:30, and so I think the thing  
8 to do is we'll recess the jury for today, and we'll  
9 start back tomorrow at 9 a.m. All right.

10 Now, again, don't talk about this case. I  
11 think we're going to get it wrapped up tomorrow.  
12 You may have to come back Monday for closing  
13 arguments, I don't know, but -- so don't look at  
14 the papers, don't do any independent research.

15 Mr. Patel's name, the surname Patel, as I  
16 said, is more common than Jones and Smith; and so  
17 if you do research on McGlynn in East St. Louis,  
18 you're pretty much going to hit me and my family;  
19 but if you research Patel in Atlanta, Chicago, all  
20 over, you're going to get all sorts of things, and  
21 that's one of the reasons we tell you just don't  
22 try to do anything like that.

23 So you can't talk amongst yourselves. The  
24 only thing you can tell your family is that we're  
25 back tomorrow; and when this is all over, I can

1 tell you all about it, but right now we'll find  
2 something else to discuss.

3 Okay. Do we have -- we're not expecting  
4 bad weather tomorrow, are we?

5 COURTROOM DEPUTY: Monday.

6 THE COURT: Great. What is Monday?

7 COURTROOM DEPUTY: They don't know yet.  
8 It's too early.

9 THE COURT: Folks, if we have Vancouver  
10 floods on Monday, call in, and I'll have a Plan B.  
11 Other than that, we'll talk tomorrow.

12 (Jury out at 4:15 p.m.)

13 THE COURT: You guys stick around and we  
14 can knock out instructions, but let's take a  
15 five-minute recess.

16 (Recess at 4:15 p.m. until 4:25 p.m.)

17 THE COURT: Mr. Patel, the testimony and  
18 evidence is done for today. Right now the lawyers  
19 are just going to talk about what instructions will  
20 be given to the jury, and it's legal decisions for  
21 me to make, all right, so there's -- I don't see  
22 any need for you to stick around and to keep the --  
23 I really don't. As I explained at the beginning of  
24 trial, the selection of the jury, the instructions,  
25 that sort of stuff, that's up to her. If there is

1 something that comes up this afternoon that I think  
2 needs to be brought to your attention, we'll talk  
3 about it first thing tomorrow morning when you get  
4 back on the stand, okay?

5 All right. Have a nice evening.

6 (Defendant exited the courtroom.)

7 (Off the record.)

8 THE COURT: Do we have -- what  
9 instructions are we hung up on?

10 MR. WEINHOFET: There is only one issue  
11 from our perspective, and Kim sent an email this  
12 morning with a number of issues to take up, so --

13 THE COURT: All right. I've been given 41  
14 pages of instructions excluding the verdict form.

15 So let's start with Instruction No. 1,  
16 members of the jury, 1.01, pattern instructions,  
17 any objection?

18 MS. FRETTER: No objection.

19 THE COURT: All right. Number 2, 1.02,  
20 charges against the defendant are in a document  
21 called the indictment, any objection?

22 MS. FRETTER: No objection.

23 THE COURT: All right. That will be  
24 given.

25 Instruction No. 3, presumption of



1 innocence, 1.03, any objection?

2 MS. FRETER: No objection.

3 THE COURT: Okay. Pattern -- or Number 4  
4 is Pattern Instruction 2.01. Any objection?

5 MS. FRETER: No objection.

6 THE COURT: It will be given.

7 Jury Instruction No. 5, 2.02, give the  
8 evidence whatever weight you decide it deserves?

9 MS. FRETER: No objection.

10 THE COURT: All right. That will be  
11 given.

12 Instruction No. 6, Pattern Instruction  
13 2.03, any objection?

14 MS. FRETER: No objection.

15 THE COURT: That will be given.

16 Number 7, Jury Instruction 2.04, number of  
17 witnesses, any objection?

18 MS. FRETER: No objection.

19 THE COURT: Okay. That will be given. So  
20 now we are at Instruction No. 8, the defendant has  
21 an absolute right not to testify -- all right, so  
22 that's not going to be given because he's  
23 testifying.

24 MR. WEINHOFET: That is withdrawn.

25 THE COURT: All right. So 7 is

1 withdrawn -- I mean, 8. Pardon me?

2 MR. WEINHOEFT: I'm sorry. I was just  
3 asking counsel if we -- there's a separate -- I  
4 know there is a separate pattern instruction for  
5 considering the -- oh, it's considering the  
6 credibility of the witnesses. We gave that in the  
7 alternate. We're not quite there yet.

8 THE COURT: All right. So Instruction No.  
9 9, 3.01, any objection?

10 MS. FRETER: No objection.

11 THE COURT: Okay. That will be given.

12 Number 10, 3.02, proper for an attorney to  
13 interview a witness?

14 MS. FRETER: Your Honor, I requested that  
15 the Government withdraw this in that that has not  
16 come up in this case.

17 THE COURT: It's proper for an attorney to  
18 interview any witness in preparation for trial.

19 MR. WEINHOEFT: I generally like to give  
20 this instruction just on the off chance they pick  
21 up on something we didn't. I don't know that it  
22 matters much either way. I don't really have a  
23 strong preference.

24 MS. FRETER: I have a preference, which is  
25 why I'm asking that it be removed. There's been

1 no -- sometimes you get into a thing, like, they  
2 talked to you before trial and you worked on your  
3 testimony and blah, blah, blah. That's what this  
4 instruction is about. That hasn't come up. I'm  
5 asking that it be --

6 THE COURT: I'm not going down that hill.  
7 Her objection is sustained, so we'll refuse the  
8 instruction.

9 I don't recall it coming up at all. The  
10 closest thing is the interview of the defendant  
11 where he doesn't have the attorney present, but  
12 that's -- if you don't want it, it's defendant's  
13 case.

14 All right. Jury Instruction 11, 3.03, you  
15 have heard the evidence that before trial a witness  
16 made statements that may be inconsistent, any  
17 objection?

18 MS. FRETER: Yes, Your Honor. That,  
19 again, this hasn't come up in the evidence.  
20 There's been no impeachment of any of the  
21 witnesses, no talk about inconsistent statements.  
22 The next instruction is about inconsistent  
23 statements of the defendant, so it would cover  
24 Mr. Patel, so I'm asking that it also -- I'm  
25 objecting or asking that it also be withdrawn.

1 THE COURT: I'm going to give it over  
2 objection. You did cross-examine -- you did  
3 cross-examine some witnesses about things that were  
4 said when we got into translations. There was some  
5 cross-examination about that. There may have been  
6 some inconsistency, so I'll go ahead and give it.

7 Jury Instruction 3.04, you've heard  
8 evidence before trial the defendant made  
9 statements, do you have an objection to that?

10 MS. FRETER: No.

11 THE COURT: Okay. That will be given.

12 Jury Instruction No. 13, 3.09, you've  
13 heard testimony that the defendant made statements  
14 to law enforcement, any objection?

15 MS. FRETER: No objection.

16 THE COURT: All right. That will be  
17 given.

18 Instruction No. 14 is 3.14 Pattern  
19 Instruction, you have heard recorded conversations.  
20 Any objection?

21 MS. FRETER: Yes, Your Honor. I think  
22 that the next instruction is the appropriate one  
23 that has to do with the transcripts between English  
24 and Hindi or English and Gujarati and that in this  
25 case we didn't have transcripts of like wire tapped

1 calls or something that would be appropriate for  
2 this instruction.

3 THE COURT: Well, we have a witness by  
4 deposition. Is that handled in a different  
5 instruction?

6 MS. FRETER: I think so because they have  
7 the actual -- they have the actual --

8 THE COURT: All right. During the  
9 trial -- you're proposed -- is this 3.15? Is this  
10 your proposed instruction?

11 MS. FRETER: 3.15, no, that's the  
12 Government also. During the trial, Hindi and  
13 Gujarati language recordings were admitted into  
14 evidence. You were given English transcripts,  
15 et cetera.

16 Do you think these both should be given?  
17 What's your position, Government?

18 MR. WEINHOEFT: Well, I think certainly  
19 3.15 should be given. You know, I don't have a  
20 strong preference -- I don't think it matters that  
21 much on Number 14. I'll defer to defense counsel.  
22 Whichever she prefers is fine with me.

23 THE COURT: Well, there was some stuff  
24 from his cell phone, but there wasn't any  
25 conversation. There was some videos. I don't

1 recall hearing any -- all right. I'm going to  
2 grant 3.15. And are you withdrawing 3.14 then?

3 MR. WEINHOEFT: And I apologize, Your  
4 Honor, since the defense doesn't want it, I know  
5 that -- to me I see this as a tactical choice on  
6 their end on how they want to view that, so we will  
7 withdraw it at their request.

8 THE COURT: All right. Instruction No. 17  
9 is 3.16, pattern instruction summaries, any  
10 objection?

11 MS. FRETER: No objection.

12 THE COURT: That will be given.

13 Now, this says, Joint Jury Instruction  
14 3.18, so that will be given.

15 Joint Jury Instruction No. 19 is 3.19 --

16 MS. FRETER: Judge, I think that this got  
17 marked as "joint." I don't believe there were  
18 deceptive investigative techniques and so that -- I  
19 would object to this instruction. There are  
20 cautionary notes from the Seventh Circuit that go  
21 with this pattern instruction about --

22 THE COURT: Well, it says Joint Jury  
23 Instruction. I thought that meant you guys both  
24 agreed on it.

25 MS. FRETER: I understand, Your Honor. I

1 think it's a typo.

2 THE COURT: You have heard evidence  
3 obtained from Government's use of deceptive  
4 investigative techniques. The Government is  
5 permitted to use these techniques. You should  
6 consider evidence obtained -- well, he's claiming  
7 that the questioning of him was tortuous and that  
8 he had people telling him he was a liar when he  
9 wasn't lying. I think, under those circumstances,  
10 it's a proper -- they could decide, Well, they were  
11 trying to deceive this guy. His interpreter was  
12 also his inquisitor; she wasn't an independent  
13 agent, per se; and because of the confusion in the  
14 translations, maybe they conclude that some of it  
15 was deceptive, so I'll let you articulate your  
16 objection.

17 MS. FRETTER: Thank you, Your Honor. I  
18 would object to this instruction in that the  
19 instruction is designed for instances, for example,  
20 when the Government uses a sting, or something to  
21 that effect, to indicate to the jury that it's  
22 appropriate for them to do a sting or do that kind  
23 of operation in order to get somebody to do  
24 something.

25 There is discussion in the notes regarding

1 this about -- cautions when defendant asserts a  
2 defense of entrapment. This instruction is not  
3 designed to be used to deal with whether or not a  
4 defendant's statement were coerced or voluntary or  
5 under the circumstances of that. We have a  
6 different instruction for that and that the Notes  
7 on Use for this instruction urge caution in giving  
8 it.

9 There's been no argument by me or  
10 questions raised by me to suggest that the agents  
11 did anything untoward in this case. In fact, even  
12 when the special agent was on the stand, we just  
13 discussed how she didn't know or knew certain  
14 things, how it would have changed the way in which  
15 she asked questions with no hint of anything being  
16 untoward.

17 Mr. Patel has just testified that even  
18 though he didn't like them continuing to ask  
19 questions, he's also testified on direct that he  
20 was given a blanket and food and juice; and that  
21 difficult questioning or forceful questioning is  
22 not the same as a deceptive technique; and my  
23 position would be that the giving this instruction  
24 is contrary to all of the work that we've done in  
25 order to set up the issue that language is a



1 concern, and the information and the way that the  
2 agents questioned Mr. Patel or what he said, that  
3 somehow it paints that with the patina of  
4 acceptability, and it takes away from the  
5 instruction that has to do with how much weight the  
6 jury could give his statement; so I object to this  
7 instruction.

8 MR. WEINHOEFT: Judge, I generally think  
9 it's appropriate. The Government had two stings in  
10 this case where they --

11 THE COURT: Like I said, two stings.

12 MR. WEINHOEFT: -- created all sorts of  
13 false pretenses, and, again, I don't have the  
14 strongest feelings, but I do think the suggestion  
15 can be -- the inference was there that, perhaps,  
16 the case agent was doing something wrong by being  
17 interpreter and case agent at the same  
18 time especially since the point was made that she  
19 wasn't in the room when questioning began, and so,  
20 again, I don't have terribly strong feelings on  
21 this, but I do generally think it's appropriate.

22 THE COURT: I'm not going to go down this  
23 hill either. So objection sustained. I'll refuse  
24 to give that instruction.

25 4.05 -- I mean, there were two stings.

1 You tried to suggest that it wasn't just a  
2 problem -- the defendant attempting to suggest that  
3 interviews -- it wasn't just a problem of  
4 translation, that there was some kind of  
5 underhanded stuff going there, but I'll refuse the  
6 instruction.

7 Jury Instruction No. 20, 4.05 --

8 MS. FRETTER: No objection.

9 THE COURT: -- superceding indictment?

10 All right. 4.06, accused of more than one  
11 crime?

12 MS. FRETTER: No objection.

13 THE COURT: That will be given.

14 Jury Instruction 22, 4.08 Pattern  
15 Instruction, you're not to consider possible  
16 punishment.

17 MS. FRETTER: Your Honor, I'm again  
18 objecting to this instruction based on the comments  
19 and the Notes on Use in the Seventh Circuit that  
20 says that this is an optional instruction and that  
21 the concerns with it are that it can be viewed as  
22 lowering the Government's burden of proof; and for  
23 those reasons, I object.

24 THE COURT: It's a pattern instruction  
25 that, I think, adequately --

1 MS. FRETER: It is.

2 THE COURT: -- states the law, and so I'm  
3 going to give it over objection.

4 Jury Instruction 23, 4.09, person attempts  
5 to commit wire fraud, et cetera, any objection?

6 MS. FRETER: Yes, Your Honor, in that  
7 Mr. Patel is charged with substantive offenses, not  
8 attempts, and so this instruction --

9 THE COURT: I thought we had these worked  
10 out. Jesus Christ.

11 All right. So you object because you  
12 believe that this is -- because what is wrong with  
13 this one?

14 MS. FRETER: It's about attempt and  
15 substantial step, and the Government has charged  
16 all completed offenses.

17 MR. WEINHOEFT: There is attempt language  
18 in the indictment, but, your Honor, quite frankly,  
19 these are obviously completed offenses, and it's  
20 not a hill to die on. If there's an objection, I  
21 don't have a problem.

22 THE COURT: All right.

23 MR. WEINHOEFT: I'll withdraw.

24 THE COURT: All right. So you're going to  
25 live with Jury Instruction No. 24? Is that the one

1 we're going to go with?

2 MS. FRETER: Yes, Your Honor.

3 THE COURT: No objection by Government --  
4 by plaintiff -- by defendant?

5 MS. FRETER: No, Your Honor.

6 THE COURT: It will be given.

7 Instruction No. 25, 5.09, definition of  
8 conspiracy, any objection?

9 MS. FRETER: No objection.

10 THE COURT: It will be given.

11 Jury Instruction 26, based on *Salinas vs.*  
12 *United States*, the conspiracy may exist even if the  
13 conspirator does not agree to commit or facilitate  
14 each and every part of the substantive offense, any  
15 objection?

16 MS. FRETER: Yes, Your Honor. This is not  
17 a pattern instruction. The Government is citing  
18 some language from the case here. The Government  
19 and I have had conversations about this. They  
20 believe it's the *Pinkerton* instruction. My  
21 position would be if the Government wants to give a  
22 *Pinkerton* instruction, they should give -- I think  
23 it's 5.10 has the full instruction in which the  
24 Notes on Use caution that the full instruction  
25 should be given so that all of the elements and all

1 of the definitions are defined sufficiently when  
2 giving a *Pinkerton* instruction.

3 MR. WEINHOEFT: Judge, this is a hill to  
4 die on. This instruction is very central to the  
5 Government's theory of the case. The last -- or  
6 the first -- the previous instruction defines what  
7 a conspiracy is. Jury Instruction No. 26 describes  
8 in the situation like this, where it is a larger  
9 conspiracy and there are people with multiple  
10 roles, what the law is.

11 Most importantly, I would point out this  
12 is an accurate statement of the law. It is  
13 verbatim taken from the U.S. Supreme Court. It is  
14 language that is routinely given in cases all over  
15 the country and, quite frankly, I would have  
16 briefed the issue for the Court, but I mean, we  
17 exchanged these instructions over a month ago, and  
18 I just found out today that we have an objection to  
19 this. This is a plainly appropriate instruction  
20 based on the facts of this case; but most  
21 importantly, it's an accurate statement of the law;  
22 and it is the *Tolliver* case, 454 F.3d 660, points  
23 out -- it cautions district courts to provide an  
24 adequate guidance on areas of conspiracy law and  
25 the nuances of conspiracy law, and this is plainly

1 an example in which this particular instruction  
2 must be given.

3 THE COURT: It will be given over  
4 objection.

5 Jury Instruction No. 27, based on  
6 statutory definition of wire fraud, any objection?

7 MS. FRETER: No objection.

8 THE COURT: It will be given.

9 Jury Instruction 28, any objection?

10 MS. FRETER: No objection.

11 THE COURT: Jury Instruction 29, proof of  
12 scheme?

13 MS. FRETER: No objection.

14 THE COURT: All right. That will be  
15 given.

16 Jury Instruction 30, definition of  
17 material?

18 MS. FRETER: No objection.

19 THE COURT: That will be given.

20 Jury Instruction 31, intent to defraud?

21 MS. FRETER: No objection.

22 THE COURT: That will be given.

23 Jury Instruction 32, 4.10, definition of  
24 knowingly?

25 MS. FRETER: No objection.

1 THE COURT: That will be given.

2 Jury Instruction 33, a joint venture, an  
3 offense may be committed by more than one person,  
4 any objection?

5 MS. FRETER: No objection.

6 THE COURT: That will be given.

7 Jury Instruction No. 34, 5.06, aiding and  
8 abetting?

9 MS. FRETER: Your Honor, I would object to  
10 this instruction as it's given based on the fact  
11 that the Government is giving conspiracy  
12 instructions and then now they're going to give  
13 this definition instruction that's not the full  
14 *Pinkerton* instruction; and so as a result of that,  
15 I would object to this instruction as being  
16 confusing and contrary to the other instructions  
17 that the Court is giving regarding conspiracy and  
18 responsibility.

19 MR. WEINHOFET: Judge, I would have two  
20 responses to that. First of all, Counts 2, 3 and 4  
21 specifically charge and allege aiding and abetting.  
22 I'd point out that this instruction is appropriate  
23 even when aiding and abetting is not charged. The  
24 Court should give it anyway, but here we went to  
25 the length of actually charging aiding and abetting

1 to make it really clear from the beginning what the  
2 theory was, and so that's plainly charged in Counts  
3 2, 3 and 4; and as to the fact that Count 1 is an  
4 inchoate offense, it's black letter law that you  
5 can also aide and abet a conspiracy as well. So  
6 it's an appropriate instruction and should be  
7 given.

8 THE COURT: It will be given over  
9 objection.

10 MS. FRETER: Your Honor, I have to  
11 apologize. In my list -- and I sincerely  
12 apologize. In Instruction 32 -- I'm sorry I have  
13 to go back. I sincerely apologize.

14 THE COURT: You want to object to 32,  
15 definition of knowingly?

16 MS. FRETER: I don't want to object to the  
17 instruction, Judge. I had proposed to the  
18 Government different language that they do not  
19 like, which would be in the second paragraph where  
20 it says, Believed it was highly probable that they  
21 were being deceived, and instead of the word  
22 "deceived" -- because the issue isn't deception.  
23 This is defrauded, and so I requested that the word  
24 "deceive" be replaced with "defraud." The  
25 Government doesn't agree. I can submit a proposed



1 instruction that says "defrauded" so that the Court  
2 can reject it.

3 MR. WEINHOFET: Deception is the pattern  
4 language, and the scheme to defraud as charged in  
5 2, 3 and 4 is -- plainly includes the concepts of  
6 deception. That's the --

7 THE COURT: Do we have an instruction that  
8 defines "deceive" or "defrauded"?

9 MR. WEINHOFET: What's that?

10 THE COURT: Is there a separate  
11 instruction that defines "deceived" or "defrauded"  
12 that's being offered? I mean, if it's a pattern  
13 instruction, I'm going to leave it as is. I don't  
14 know the difference between -- I don't know why  
15 this would be confusing. If you want to offer a  
16 second objection, I'll sleep on it, but I'm going  
17 to -- I plan on giving this -- I mean, a separate  
18 proposed one?

19 MS. FRETTER: Judge, the pattern  
20 instruction where this language is, it just says,  
21 "Insert conduct." So it doesn't use this exact  
22 language because every case is different, and so  
23 the "defrauded" word that I'm using is coming from  
24 the indictment.

25 MR. WEINHOFET: Again, this is -- this was

1 dropped this morning. I'd have to look at it  
2 again, but I'd stand on it's a pattern  
3 instruction.

4 THE COURT: I'll sleep on it, but at this  
5 point I'm overruling your objection and granting  
6 it. I'm going to give it.

7 Jury Instruction 33, 5.05 -- now we're to  
8 Jury Instruction 35, success not required, any  
9 objection?

10 MS. FRETER: No objection.

11 THE COURT: That will be given.

12 Instruction 36, wire communications, any  
13 objection?

14 MS. FRETER: No objection.

15 THE COURT: That will be given.

16 Jury Instruction No. 37, use of mail as  
17 interstate commerce, any objection?

18 MS. FRETER: No objection.

19 MR. WEINHOEFT: Judge, this is actually  
20 the one that there's, I think, a small issue with.  
21 This, as submitted -- 37, we submitted it with only  
22 discussion of interstate wires, but Count 1 alleges  
23 conspiracy of multi-object conspiracy of both mail  
24 and wire fraud, so I think that we need to use the  
25 pattern instruction that also includes commercial

1 carrier because we do have three packages shipped  
2 by UPS, and so I think there needs to be something  
3 in the instructions to help the jury as it relates  
4 to the multi-object conspiracy. So I do have a  
5 written -- a proposed written version. It's  
6 verbatim out of the pattern that just includes the  
7 language of both interstate wire and interstate --  
8 or private commercial carrier.

9 THE COURT: Do you have any objection with  
10 that?

11 MS. FRETER: No, Your Honor.

12 THE COURT: So I will treat this one as  
13 withdrawn, and I'm going to make a note that you  
14 are going to give me one in the morning.

15 MR. WEINHOEFT: I came prepared.

16 LAW CLERK: Can we get an electronic copy  
17 of this as well?

18 MR. WEINHOEFT: I'll send it. So I've  
19 labeled that 37(a), Your Honor.

20 THE COURT: Okay. Jury Instruction 38,  
21 *United States vs. Pearson*, defendant caused an  
22 interstate wire communication between the states of  
23 Indiana and Oklahoma. Any objection?

24 MS. FRETER: No objection.

25 THE COURT: All right. That will be

1 given.

2 Instruction No. 39, eluding examination or  
3 inspection?

4 MS. FRETER: No objection.

5 THE COURT: All right. That shall be  
6 given.

7 All right. Pattern Instruction 7.01 on  
8 jury deliberations, any objection?

9 MS. FRETER: No objection.

10 THE COURT: All right. That will be  
11 given. Jury Instruction 41 is 7.02, verdict form?

12 MS. FRETER: No objection.

13 THE COURT: That will be given.

14 Unanimity, disagreement among jurors, any  
15 objection to 42?

16 MS. FRETER: No objection.

17 THE COURT: All right. That will be  
18 given.

19 All right. I have that as everything.

20 Okay. Nine o'clock -- what kind of  
21 weather do we have coming Monday?

22 MR. WEINHOEFT: I'm honestly not  
23 certain.

24 THE COURT: I think that this -- I'm just  
25 going to say this: There's a lot for this jury to

1 go through. There's a lot of documents. If your  
2 cross-examination is going to take a couple hours,  
3 I don't think we get this case -- and if you're  
4 closing argument is going to be an hour or more, I  
5 don't think that we get this to the jury early  
6 enough on Friday that we're not giving them an  
7 impetus to cut short deliberations. It's a lot for  
8 them to go through.

9 So it's my inclination at this point that  
10 once we get the testimony of Mr. Patel wrapped up  
11 and you decide whether or not you want to call any  
12 rebuttal witnesses, I would probably end it there  
13 and tell the jury we're going to come back fresh on  
14 Monday for oral argument -- for closing arguments  
15 and deliberations.

16 If between now and tomorrow midmorning, if  
17 it looks like we may have some inclement weather  
18 that might be problematic, I probably won't have  
19 the jury come in until ten, if necessary, and we've  
20 got to track down -- we've got to make sure we can  
21 have an interpreter, and getting two of them has  
22 been harder than I've ever experienced in getting  
23 an interpreter in a case. They're traveling  
24 distances. If there is snow and ice on the East  
25 Coast, we're going to hear, I can't make it.

(Off the record.)

(Proceedings recessed at 4:57 p.m. until  
9:00 a.m. February 7, 2025.)

\* \* \* \* \*

CERTIFICATE OF COURT REPORTER

I, Erin M. Materkowski, hereby certify that  
the foregoing is a true and correct transcript from  
reported proceedings in the above-entitled matter.

/s/ Erin M. Materkowski  
ERIN M. MATERKOWSKI, RPR, CRR  
Official Court Reporter  
Southern District of Illinois  
East St. Louis Division

Date: 06/30/2025